

## BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

## IN THE MATTER OF

Mary Jane Barba

License No. 23-36338-082  
KSBN Case No. 14-1360-8

SUMMARY ORDER

The above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the nurse license of Mary Barba, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

1. a. Licensee either was issued a nursing license by the Board, or possessed a multistate license granting the privilege to practice licensed to practice in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
  - b. Licensee's address of record is 3009 SE Illinois Ave, Topeka KS 66605.
2. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
3. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure such person if certain enumerated grounds for disciplinary action are found. These grounds include various specific charges enumerated in K.S.A. 65-1120(a)(1) to (9), to include unprofessional conduct as defined by the rules and regulations of the Board.

Pursuant to K.S.A. 74-1110 the Kansas State Board of Nursing may also assess a civil fine not to exceed \$1,000.00 for the first violation of a law or rule and regulation applicable to the practice for which such person has been granted a license.

4. Pursuant to the Nurse Licensure Compact (Session Laws 2018, ch. 42) the Board may take adverse action against a nurse's privilege to practice within the state of Kansas, including "any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or authority against a nurse."
5. After an investigation, the Board's investigative committee found reasonable grounds to believe that the licensee violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
6. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to

give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

### **FINDINGS OF FACT**

7. Licensee entered into Consent Agreement with the Board in which she agreed to remain compliant with and complete her a monitoring program with KNAP, the impaired provider program of the Board. On November 6, 2019 she was discharged from that program for non-compliance. She is requesting the Board to re-refer her to KNAP.

### **VIOLATIONS**

8. The above fact findings establish evidence that the Licensee violated the following provisions of the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to complete the requirements of the impaired provider program of the Board.

Count 2: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to comply with any disciplinary order of the Board.

### **IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**

- 1. Licensee's license is suspended for ninety (90) days. The suspension is effective 18 days after the date of the certificate of service below.**
- 2. Licensee shall not practice nursing in the state of Kansas during her suspension.**
- 3. Licensee will be re-referred to KNAP.**
- 4. The terms of the Consent Agreement remain in effect.**

### **NOTICE OF ADMINISTRATIVE RELIEF**

Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.

### NOTICE OF JUDICIAL RELIEF

If a request for hearing is not filed as stated above, then pursuant to K.S.A. 77-613 a party may file, within 30 days from the date of the Certificate of Service below, a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 601 *et seq.* The designee who may receive service of a petition for judicial review is:

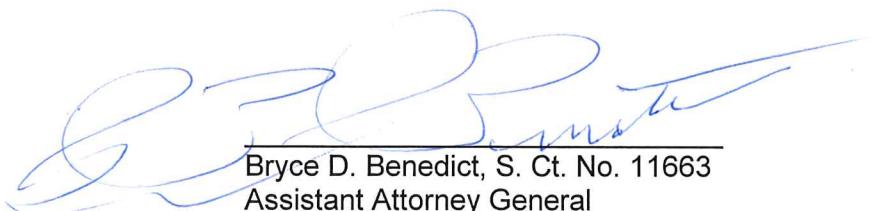
Carol Moreland, Executive Administrator  
Kansas State Board of Nursing  
900 SW Jackson, Room 1051  
Topeka KS 66612

  
JoAnn Klaassen, RN, MN, JD  
Investigative Committee, Vice Chair  
Kansas State Board of Nursing

### CERTIFICATE OF SERVICE

I certify that on the 19<sup>th</sup> day of February, 2020, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Mary Barba  
3009 SE Illinois Ave  
Topeka KS 66605

  
Bryce D. Benedict, S. Ct. No. 11663  
Assistant Attorney General