

Filed

SEP 28 2005

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF
CUNNINGHAM, SANDRA
LICENSE NO. 13-33781-022

CASE NO. 04-756-4

DEFAULT ORDER SUSPENDING LICENSE

NOW ON THIS 28th day of September, 2005 petitioner appears by disciplinary counsel, Betty Wright, for a pre-hearing conference on the petition. Respondent does not appear.


Wherefore, the hearing officer finds as follows:

1. Respondent is licensed as a R.N. through 02/28/2006. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a default order suspending the respondent's license.
4. The petition is hereby granted and incorporated into this order as if set forth herein.
5. Respondent has violated:

K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

K.S.A. 65-1120(a)(6), unprofessional conduct, by K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board.
6. Per petitioner's request, respondent's license to practice nursing is suspended. **Respondent may not practice nursing in Kansas** and respondent shall return her license card to the board immediately. A new license shall issue reflecting the suspension. The new license shall be issued with an "S".
7. A total of \$70.00 is assessed to respondent and is to be paid to the board by certified check or money order within 30 days of the effective date of this order.
8. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

IT IS SO ORDERED



Sandra Sharon
Hearing Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.



Betty Wright #14785
Disciplinary Counsel
900 S.W. Jackson, Suite #1051
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the ^{28th}~~27th~~ day of September, 2005, I deposited a copy of this Order with the United States Postal Service, postage pre-paid, addressed to:

Sandra Cunningham
815 N. Main
Medicine Lodge, KS 67104



Betty Wright, Assistant Attorney General
Kansas State Board of Nursing
900 S. W. Jackson, Ste. 1051
Topeka, Ks 66612-1230
(785) 296-7047

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AUG 17 2005

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BEFORE THE KANSAS STATE BOARD OF NURSING

LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF
CUNNINGHAM, SANDRA
LICENSE NO. 13-33781-022

CASE NO. 04-756-4

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Betty Wright, and for its cause of action states that:

1. Respondent is licensed to practice nursing through 2/28/2006.
2. Respondent's address of record is 815 N. Main, Medicine Lodge, Kansas, 67104.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

FACTS COMMON TO ALL COUNTS

5. On 7/8/2004 while employed as a nurse at Pratt Regional Medical Center, Pratt, Kansas the licensee tested positive for alcohol. She was reported to have alcohol in her breath at work. On 7/22/2004 when the licensee reported for counseling session, she was tested positive for alcohol again. She was diagnosed with episodic alcohol abuse and the employer referred her to the Kansas Nurses Assistance Program (KNAP) in July 2004. She had been employed at the hospital since 1990 and was terminated 11/15/2004 for noncompliance with KNAP.
6. On 12/20/2004 KNAP closed the licensee's case due to noncompliance by failing to do

urine drug screens since 8/6/2004, failure to attend monthly AA meetings and to send KNAP documentation, failure to complete treatment recommendations, and failure to respond to phone calls from KNAP.

7. Respondent has violated the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

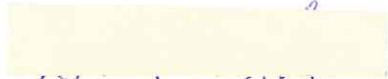
Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (s) failing to complete the requirements of the impaired provider program of the board.

WHEREFORE, petitioner requests a finding that the respondent has violated the nurse practice act and her nurse license be sanctioned, and costs of this action should be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Phill Kline
Attorney General

By: _____


Betty Wright
Assistant Attorney General