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BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

AUG 30 2013

KSBN

**IN THE MATTER OF
CARMEN R. CLARK
License No. 13-65988-012**

Case No. 11-1792-6 and 11-1600-6

PROPOSED DEFAULT ORDER

NOW ON THIS 27th day of August, 2013, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, Assistant Attorney General, for a hearing on the Petition filed in the above captioned matter. Respondent does not appear.


Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing as a RN in Kansas through 1/31/2014 and was licensed to practice nursing at the time of the misconduct alleged in the petition. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the Petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's RN license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per Petitioner's request, Respondent's license to practice nursing is revoked. Respondent shall not practice nursing.
6. Costs of the action of \$70.00 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas nursing certificate and any license cards in his or her possession to the Kansas State Board of Nursing.

8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.

9. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.

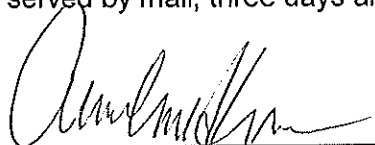

Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

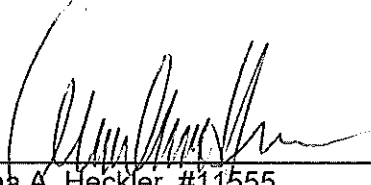
Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.


Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 30th day of August, 2013, the foregoing copy of the PROPOSED DEFAULT ORDER was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Carmen R. Clark
925 SE River Road
El Dorado, Kansas 67042



Alma A. Heckler, #11555
Assistant Attorney General

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
CARMEN R. CLARK
License No. 13-65988-012**

Case No. 11-1792-6 and 11-1600-6

FILED #1350
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KSNB

PETITION

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

1. Respondent, Carmen R. Clark, is licensed to practice nursing in Kansas through 1/31/2014. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 925 SE River Rd. Apt. 1106, El Dorado, Kansas 67042.
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. The facts below are common to all counts:
 - a. Repondent entered a Consent Agreement and Final Order in Case No. 06-062-4 and 08-367-4 on or about 8/11/2008 and stipulated to the following:

(a) Respondent failed to report criminal history on renewal applications in 2002, 2004 and 2006. Respondent also admitted to diverting medications, Lortab and Demerol, while employed at Hutchinson Hospital, in Hutchinson, Kansas. Respondent was employed at Hutchinson Hospital from 9/17/2004 to 12/29/2005. Respondent self referred to the Kansas Nurses Assistance Program (KNAP) and signed an agreement with KNAP on 2/6/2006. Respondent relapsed on 6/22/2006.

(b) On November 27, 2007, the respondent's license to practice nursing in Kansas was revoked. The Petition filed in Kansas Board of Nursing Case No. 06-062-4 was granted and incorporated into the order and found the respondent violated the Kansas Nurse Practice Act.

(c) The respondent continued to work and committed five (5) months of unlicensed practice. The respondent falsified a KSBN nursing license card and claimed that her license had been renewed in January 2008, with an expiration date of 1/31/10. No such license was issued because licensee had been revoked and could not renew on line. The Board did not issue the respondent a new license and the license card did not resemble the actual license card issued by the Board.

(d) The respondent will be required to pay an unlicensed practice fine of \$250.00. The respondent filed a reinstatement application.

b. Respondent stipulated to the following violations of the Kansas Nurse Practice Act in the 2008 Consent Agreement and Final Order:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(v), practicing without a license or while the license has lapsed.

Count 2: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

Count 4: 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.

Count 5: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency.

Count 6: 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 7: Respondent has violated K.A.R. 60-3-110(r) failing to comply with any disciplinary order of the Board

c. Respondent was also fined \$1000.00 for falsifying her license and creating a license card. Respondent was required to re-enroll in KNAP and comply with all requirements of KNAP.

Respondent's license was reinstated in 2009 under the terms of the 2008 Consent Agreement and Final Order.

d. Respondent entered KNAP on or about 9/17/2008 and was required to complete random urinary drug screens, attend monthly meetings, attend two 12 step meetings per month, follow treatment recommendations, inform her employers of her participation in KNAP and have her employers submit progress reports every 90 days to KNAP.

e. Respondent failed to tell her employer LakePoint Nursing and Rehab about her KNAP participation. She was employed there from 1/19/2011 to 11/5/2011. LakePoint became aware of Respondent's KNAP participation and it was discovered that Respondent had been forging progress reports she submitted to KNAP from her employer.

f. Respondent also drew unemployment benefits in the amount of \$12,076.00 while she was employed by LakePoint.

g. Respondent's KNAP case was closed unsuccessfully on or about April 3, 2013.

h. Respondent has a history of falsifying employer evaluations and license cards. Respondent has worked as a nurse while she was not licensed. Respondent has failed to report her participation in KNAP to employers. Respondent has failed to report her employment status to the state and received benefits to which she is not entitled. The Respondent has violated the terms of the 2008 Consent Agreement and Final Order. The Board of Nursing cannot monitor the Respondent and assure her safety to practice due to her fraudulent and deceitful behavior.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

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 failing to complete the requirements of the impaired provider program of the board; K.A.R. 60-3-110 (s);

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to comply with any disciplinary order of the board; K.A.R. 60-3-110(r);

Count 4: K.S.A. 65-1120(a)(1), to guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

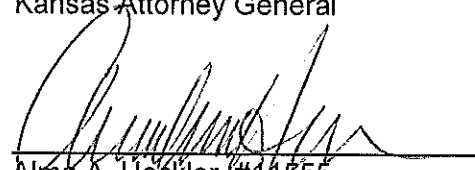
Count 5: K.S.A. 65-1120(a)(7), to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act;

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the at least the amount of \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:


Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612