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BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

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IN THE MATTER OF
SHERYL THOMPSON
License No. 13-83557-042

Case No. 13-1148-0

25 APR '14 AM 9:38

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 24th day of April, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, Assistant Attorney General, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing as an RN in Kansas through 4/30/2014 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 may not practice nursing in Kansas.
6. Costs of the action of \$70 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. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

10. 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 29th day of April, 2014, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Sheryl L. Thompson
60892 712th Rd.
Buchard, Ne. 68323



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

FILED

MAR 12 2014

**IN THE MATTER OF
SHERYL THOMPSON
License No. 13-83557-042**

KSBPN

Case No. 13-1148-0

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, Sheryl Thompson is licensed to practice nursing in Kansas through 4/30/2014. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 60982 712th Rd., Burchard, NE 68323.
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) In Case No. 03-387-7, respondent entered a Consent Agreement and Final Order and stipulated to the following facts:

Respondent was employed as a nurse at Mid-America Rehabilitation Hospital, Overland Park, Kansas from 3/4/2003 to 7/2/03. K. Session, an RN working with respondent reported

unauthorized narcotics being checked out of the Pyxis system with Session's password. Session advised that this occurred on 6/23/2003, 6/27/2003, and 6/28/2003.

S. Bateson, RPh conducted a review of the system. Bateson found several days that Session's password was used to remove narcotics from the Pyxis system on days that Session did not at work. Bateson found that the only nurse working that area all of the above dates was the respondent.

Other staff report that on or about 6/28/2003 in the morning the respondent seemed. But later that date the respondent had changes in her behavior. Staff reported respondent was diaphoretic, had dilated pupils and no train of thought. Staff noted that respondent stood behind others that were entering information the Pyxis system as if she were attempting to observe passwords.

S. Pinney, RN Supervisor advised that on or about 6/28/2003 in the AM respondent was fine. At lunch respondent left the facility. After lunch respondent was diaphoretic, eyes heavy and respondent could not keep them open. Respondent stated that she was just tired. Pinney was later called by another nurse to go into one of respondent's patient's room. The patient had just returned from a procedure and was lying backwards in the bed, (head at foot of bed) and respondent was messing with the controls. Respondent said that the bed was not working. Pinney stated that the patient was backwards in bed and respondent stated that she knew that, but the bed would not work. Pinney repositioned the patient and the bed worked fine. Pinney advised the respondent's eyes were very droopy and her pupils were pinpoint. Pinney asked respondent if she had taken any medications and respondent said no, not even her prescribed Xanax and Zolof.

Respondent asked Pinney for some normal saline eye drops and when given to her respondent just stared at them. Pinney told respondent to call for a ride and go home. While respondent was giving Pinney a report she fell asleep and kept calling her Stacy instead of Sue.

Respondent was referred to and enter the Kansas Nurse Assistance Program (KNAP). Respondent's KNAP case was closed for non-compliance.

Respondent's Kansas nursing license lapsed on or about 4/30/2004. Respondent submitted an application to the Board for reinstatement as a registered nurse in the State of Kansas on 10/5/2005.

(b) Respondent admitted to the following violations of the Kansas Nurse Practice Act in the Consent Agreement and Final Order:

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 (n), diverting drugs, supplies, or property of any patient or agency.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

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.

(c) Respondent was referred to the Kansas Nurse Assistance Program (KNAP) by the Board under the terms of the Consent Agreement in Case No. 03-387-7. She successfully completed the program in 2007.

(d) In Case No. 08-1151-0 the Board received notice the respondent was disciplined by the Oklahoma Board of Nursing. In Case No. 12-1262-0 the Board received notice from the Oklahoma Board of Nursing respondent's license was revoked. It was revoked for at least two years from 2/27/2012 to 2/27/2014 due to her failure to complete the terms of the Oklahoma peer assistance program.

(e) In Case No. 13-1148-0 respondent tested positive for alcohol after returning from lunch on 10/15/2013. She was employed at Frankfort Community Care from 6/27/2013 to 10/15/2013. She was tested at 5:58 pm at a level .091. She claimed she only had one beer. After testing positive she admitted to drinking before coming to work on other occasions. She claimed she had a history of problems, which were made worse by a family crisis.

(f) Respondent was referred by her employer, Frankfort Community Care, to the Kansas Nurse Assistance Program (KNAP). Respondent failed to enroll.

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. 30-3-110(s);

Count 3: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country...;


Count 4: K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (e); (3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

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
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900 SW Jackson #1051
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