

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

FILED
MAR 24 2016
KSBN

IN THE MATTER OF
MARY F. RENFRO

OAH Case No. 14BN0092

License No. 13-108460-081
Case No. 10-1241-3

NOTICE OF PROPOSED DEFAULT ORDER
AND
PROPOSED DEFAULT ORDER

This matter comes on for hearing before the Kansas State Board of Nursing (Board). Sandra L. Sharon was appointed Presiding Office/Administrative Law Judge (ALJ) pursuant to K.S.A. 77-514. The Board appeared through Assistant Attorney General, Bryce D. Benedict, the Board's Disciplinary Counsel. The respondent, Mary F. Renfro failed to appear. In consideration of this matter, a Proposed Default Order is issued against the respondent.

Wherefore, the presiding ALJ finds as follows:

1. The respondent is licensed to practice nursing in the State of Kansas.
2. The Board has jurisdiction over the respondent and the subject matter of this action.
3. On January 26, 2016, a prehearing conference was held and a hearing date of March 22, 2016 was agreed on by the Board and the respondent. A Prehearing Order served on the respondent January 28, 2016.

4. In the Prehearing Order, the respondent was instructed she must “provide to the Board the phone number at which she can [could] be contacted for the hearing.”
5. The respondent wrote to the Board that she had not prepared for the hearing and did not intend to participate in the hearing scheduled for March 22, 2016. Also included in the respondent’s correspondence was a phone number.
6. At the time of the scheduled hearing, the ALJ dialed the number the respondent included in her correspondence to the Board. The respondent did not answer the phone call, nor did the respondent appear in person to participate in the scheduled hearing.
7. Pursuant to Kansas Statutes Annotated (K.S.A.) 77-520(a), “[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order.”
8. The respondent is in default pursuant to K.S.A. 77-520.
9. 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 stating why the Proposed Default Order should be vacated and the order is then vacated. A motion to vacate shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka KS

66612-1230, with a copy to be mailed or personally delivered to: Sandra L. Sharon, Administrative Law Judge, Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, KS 66612-1327.

10. If this Proposed Default Order becomes effective, the allegations contained in the Petition will be deemed uncontroverted and the Petition will be granted and incorporated into this order as if fully set forth herein. The respondent's license to practice nursing will be revoked. The respondent will immediately forward his or her original Kansas nursing license to the Board.
11. In addition, costs of the action in the amount of \$100.00 will be assessed to the respondent to be paid to the Board by cashier's check or money order within 30 days of the effective date of this order.

The presiding ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the respondent. It shall take effect as specified in the above findings.

IT IS SO ORDERED.



Sandra L. Sharon
Administrative Law Judge
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612-1327

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-520, if the proposed default order becomes effective, it is deemed an initial order, as set forth above. Pursuant to K.S.A. 77-527, either party may request review of the initial order by filing a petition for review with the Kansas State Board of Nursing within 15 days from date the order is deemed an initial order. Failure to timely request review may preclude further judicial review. Petitions for review shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka, KS 66612-1230.

If neither party requests review, the initial order becomes a final order and is binding on the 30th day following its mailing.

A party may seek judicial review of a final order by filing a petition for judicial review pursuant to K.S.A. 77-601, *et seq.* Reconsideration of a final order is not a prerequisite to judicial review. A copy of any petition for judicial review shall be served on Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

CERTIFICATE OF SERVICE

On March 23, 2016, I mailed this original document through State Building Mail to:

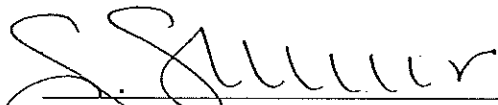
Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Bryce D. Benedict
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

And a copy of this document through first class mail to:

Mary F. Renfro
1250 N Wood
Wichita, KS 67212



Staff Person
Office of Administrative Hearings

FILED

SEP 15 2014

KSBN

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 F. RENFRO

License No 13-108460-081

Case No. 10-1241-3

AMENDED PETITION

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

1. Respondent, Mary F. Renfro, is licensed to practice nursing in Kansas through August, 2015. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1250 N. Wood Wichita, Kansas 67212.
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) According to the report, it is alleged that while licensee was employed by Salina Regional Health Care, Salina, Kansas licensee diverted medication.
 - (b) Narcotics were signed out for a patient that did not have this medication ordered.

- (c) This licensee was interviewed and did not have a reasonable explanation for these discrepancies.
- (d) Licensee agreed to consent to a urine drug screen
- (e) First specimen provided was very cloudy pale yellow liquid that did not meet the temperature requirement..
- (f) Two more specimens were produced over a lengthy time and both did not render a sufficient quantity.
- (g) Employee was terminated for diverting and tampering with the urine specimens on the 28th of July, 2010.
- (h) On the 16th day of October, 2013, Licensee was convicted of misdemeanor use or possession of drug paraphernalia in Wichita Municipal Court in Case No. 13DR000701.
- (i) Licensee failed to notify KSBN of above conviction within 30 days.
- (j) Investigative Letter was sent on the 7th day of November 2013 and there has been no response.
- (k) Licensee pled no contest to DUI Charges in Wichita Municipal Court on the 15th day of May, 2014, arising out of an incident on or about the 12th day of December, 2013.
- (l) Licensee pled no contest to charges of petit theft in Sedgwick County District Court on a appeal from Wichita Municipal Court arising out of an incident on or about the 1st day of November, 2013.

VIOLATIONS

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

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

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

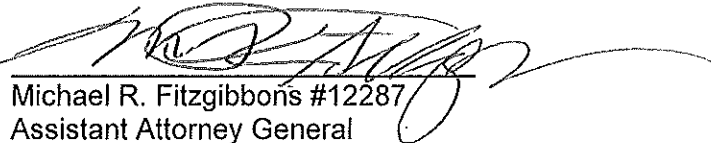
Count 4: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

Count 5: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

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 amount of \$70.00.

Respectfully submitted,

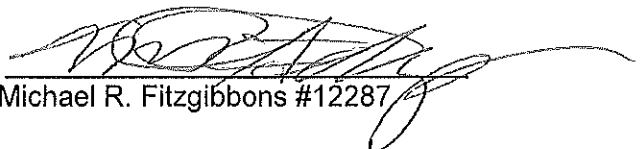
Derek Schmidt
Kansas Attorney General

By: 
Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

CERTIFICATE OF SERVICE

On the 15th day of September, 2014, I deposited a copy of this AMENDED PEITITION with the United States Postal Service, postage pre-paid, addressed to:

Mary F. Renfro
1481 Morgantown
Wichita, Kansas 67212


Michael R. Fitzgibbons #12287