

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 16 2014

IN THE MATTER OF MONICA LYNN SHARKEY

KSBN

License No. 13-108614-012

Case No. 13-1289-4

SUMMARY ORDER

NOW ON THIS 11th day of October, 2014, 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 proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. This Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 524 South Bluff Anthony, Kansas 67003.
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. Review of the information gathered by the Board revealed the following upon which this action is based.
 - (a) According to a report, it is alleged that licensee was arrested and charged with Possession with intent to distribute, possession of marijuana and possession of paraphernalia.
 - (b) This incident occurred on or about the 13th day of June, 2013.
 - (c) Licensee entered into a plea to possession of marijuana and possession a paraphernalia and placed on one year of probation.
 - (d) This occurred on or about the 10th day of December, 2013.

- (e) On the 9th day of December, 2013, licensee was referred to KNAP.
 - (f) Licensee entered into a one year agreement with KNAP on the 25th day of February, 2014.
 - (g) Licensee had a non compliance with KNAP for failure to provide UDS on dated randomly selected and licensee attempted to tamper with a UDS on the 7th day of April, 2014.
 - (h) Licensee failed to submit attendance of the 12 step program as required .
 - (i) This incident occurred on or about the 10th day of June, 2014
 - (j) KNAP case was closed for non compliance on the 2nd day of July, 2014.
5. This Licensee violated the Nurse Practice Act by unprofessional conduct by criminal activity regarding drugs and failure to comply with the Kansas Nurse Assistance Program and complete.

CONCLUSIONS OF LAW

- a. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
 - b. K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.
 - c. K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).
6. 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 authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

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)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 3: K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

8. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

POLICY STATEMENT

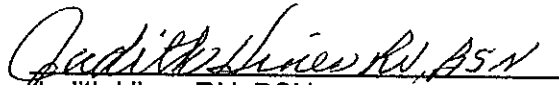
1. Criminal conviction of illegal drug usage is a violation of public trust and poses a danger to patients and the public at large.
2. Using these methods to circumvent UDS procedures causes concerns to public safety issues of patients under the nurse's care.
3. Truthfulness is the hallmark of good nursing and failure to be truthful Violates the public trust.
4. Failure to complete the Kansas Nurse Assistance Program puts the public and patients at risk.

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

1. Licensee's license to practice nursing in the state of Kansas is revoked.
2. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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,

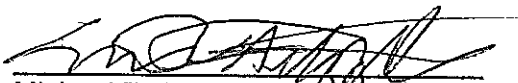
Topeka, Kansas 66612-1230, (785) 296-4325. THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. 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.


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 10th day of October, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Monica Lynn Sharkey
524 South Bluff
Antony, Kansas 67003


Michael R. Fitzgibbons #12287
Assistant Attorney General