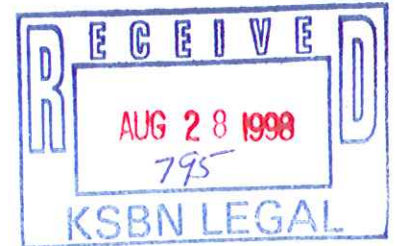


BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building  
900 SW Jackson, Suite 551-S  
Topeka, Kansas 66612-1230  
(785) 296-8401



IN THE MATTER OF  
DONETTA COOK

Case No. 96-0423-5(A)

LICENSE NO. 13-025221-101

**MEMORANDUM DECISION**  
**AND INITIAL ORDER UPON REINSTATEMENT APPLICATION**

NOW ON this 7<sup>th</sup> day of July, 1998, the above-captioned matter comes on for decision upon the Reinstatement application of Respondent, Donnetta Cook, for licensure as a registered Professional Nurse, filed February 18, 1998.

The Petitioner, Kansas State Board of Nursing, appears by and through its Disciplinary Counsel, Assistant Attorney General Rex Beasley. The Respondent appears in person, pro se.

The matter was heard, pursuant to proper notice, on July 7, 1998.

The Board has proper jurisdiction of the parties and of the subject matter of the proceeding.

The record consists of the testimony presented at the hearing on July 7, 1998, and Petitioner's Exhibits 1-4, inclusive, admitted at the hearing. Additionally, the record to be considered includes the Respondent's prior disciplinary cases, Nos. 84-160-6; 89-124-6; and 96-0423-5, of which administrative notice will be taken pursuant to the Petitioner's request.

Upon considering the evidence, the statements and arguments of counsel, and being otherwise well and duly advised in the premises, the Hearing Officer finds and orders as follows:

1. Respondent filed her Reinstatement Application on or about February 18, 1998.
2. The Respondent's license had been revoked by a Proposed Default Order made February 6, 1997, in Case No. 96-0423-5, which found the Respondent to have violated the Kansas Nurse Practice Act, (KNPA) by diverting nine (9) ampules of 25 mg demerol from her employer and by falsifying medical administration records and patient records.
3. In Case No. 89-124-6, the Respondent entered into the Peer Assistance program

and paperwork. No direct nursing care which involves access to drugs is contemplated.

8. The purpose of the Kansas Nurse Practice Act, *K.S.A. 65-1113, et seq.* (KNPA) is to protect the public from licensees who might jeopardize the public safety or welfare. The nurse seeking reinstatement carries a burden which is greater than obtaining initial licensure to show that she would not jeopardize the public safety and welfare if reinstated. Whether this burden has been met must be considered in light of the *Vakas* factors:

A. *The present moral fitness of the Respondent.* The present moral fitness of the Respondent appears to be satisfactory. She demonstrated an awareness of the seriousness of her past conduct and there is no evidence of any current illicit drug usage.

B. *The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession.* As previously stated, the Respondent appears to be conscious of the wrongfulness of her past conduct which warranted revocation and understands its impact on the nursing profession.

C. *The extent of applicant's rehabilitation.* The true extent of the Respondent's rehabilitation is not truly known. The evidence of her AA and NA attendance and of her negative drug screens is of recent vintage. There is no current evaluation for chemical dependency and there has been no recent treatment.

D. *The nature and seriousness of the original misconduct.* There is no question that the Respondent's original conduct was extremely serious. It had the effect of the Respondent engaging in nurse practice while impaired and resulted in patients not receiving medication which was ordered for them. Further, the falsification of patient records jeopardized the patients' welfare. The conduct occurred due to the disease of chemical dependency.

E. *The conduct subsequent to discipline.* There is no evidence of any detrimental conduct on the Respondent's part since the revocation of her license.

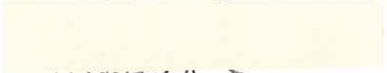
F. *The time elapsed since the original discipline.* The elapsed time since the revocation of Respondent's license is relatively short. The license was revoked February 6, 1997. The Respondent applied for reinstatement approximately a year later, on February 18, 1998. Less than two years has elapsed since the revocation of the license.

G. *The applicant's character, maturity, and experience at the time of the original revocation.* Strictly speaking, the question is what was the character, maturity and experience of the Respondent which affected her motivation and ability to properly address her disease. Obviously is was deficient, because she relapsed on multiple occasions notwithstanding treatment programs and other efforts to assist her. This leads to the next logical question as to whether she has the current character, maturity, and experience to now remain drug free. Due to the lack of information of the depth and breadth of her current rehabilitation, as well as the short duration of time since the revocation of the license, this question cannot be satisfactorily answered.

H. *The applicant's present competence in medical nursing skills.* The Respondent has presented proof, with her reinstatement application, of the requisite continuing education credits necessary for consideration of her application. However, there are reservations on this issue because she has not practiced nursing for approximately two years and did not take any continuing education courses on an area which should be deemed important: accurate and proper charting.

9. In light of the foregoing findings, the Hearing Officer concludes that the reinstatement application should be denied at this time. The Respondent should be commended on her efforts at being drug free and this should continue to be the major priority in her life whether she obtains reinstatement of her nursing license or not. However, the Respondent bears a great burden, under the factors discussed above, to prove her current fitness for licensure. Due to the questions concerning her present state of recovery and the short lapse of time since the revocation of the license, the burden has not been met. The Respondent is free, of course, to make further applications should she feel that these concerns can be satisfactorily addressed.

**IT IS SO ORDERED.**

A  
  
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TERRY E. BECK, Hearing Officer

Dated: 6-26-98

**NOTICE REGARDING RELIEF FROM THIS ORDER**  
**STATEMENT OF APPEAL RIGHTS**

This is an Initial Order. The parties to whom this Initial Order is issued may file a petition for review with the Agency Head within fifteen (15) days after service of this order. The petition for review must state the specific grounds upon which relief is requested. Unless a later date is stated within the Initial Order, a stay is granted, or the order is reviewed, an Initial Order shall become a final order without further notice or proceedings thirty (30) days after the date of service as indicated by the attached certificate of service.


**CERTIFICATE OF SERVICE**

This is to certify that on the 28th day of August, 1998, I deposited a true and correct copy of the Initial Order in the United States Mail, first class mail, postage prepaid to the following:

Donetta Cook  
2030 S Hydraulic  
Wichita, Kansas 67211

and by hand delivery to:

Rex G. Beasley  
Assistant Attorney General  
Kansas State Board of Nursing  
900 S.W. Jackson Rm 551-S  
Topeka, Kansas 66612-1230

  
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Diane M. Glynn, J.D., R.N.  
Practice Specialist