

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**MAY 13 2009**

**IN THE MATTER OF  
SANDRA H. TWEED  
License No. 13-026197-031**

**KSBN**

**Case No. 08-217-3, 05-230-3, 04-884-3, 03-430-0**

**SUMMARY ORDER**

Now this 15 day of May, 2009, 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 proposes to find facts and take disciplinary action against the registered nurse reinstatement application of Sandra H. Tweed (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. (a) On or about 4/15/2004, a petition was filed in KSBN case number 03-430-0 alleging the Applicant violated the Kansas Nurse Practice Act by being unable to practice with skill and safety due to current abuse of drugs or alcohol. The petition alleged that during April of 2003, while Applicant was employed as an instructor in the nursing school at the University of Alaska, Anchorage, Alaska. The petition further alleged Applicant was teaching nursing while impaired by alcohol.

(b) On or about 4/26/2004, Applicant entered a diversion agreement to resolve KSBN case number 03-430-0. Applicant agreed to complete the Kansas Nurses Assistance Program (KNAP), the impaired provider of the Board, as a condition of the diversion agreement.

(c) [REDACTED]

(d) On or about 12/6/2004, Applicant entered a consent agreement to suspend license with a stay and final order in KSBN case number 03-430-0. Pursuant to the consent agreement to suspend license with a stay and final order, Applicant was found to have violated the Kansas Nurse Practice Act as follows: K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol; and K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board.

(e) On or about 5/24/2001, Applicant was convicted of Driving While Alcohol Impaired, in Erie County, New York. Applicant failed to disclose the conviction on Applicant's 2003 KSBN reinstatement application. Applicant failed to disclose the conviction on Applicant's 2005 KSBN renewal application.

(f) On or about 12/7/2005, Applicant's license to practice nursing in the state of Alaska was revoked. According to documents provided by the Alaska Division of Corporations, Business and Professional Licensing, the revocation stemmed from the above mention incident

at the University of Alaska, Anchorage, Alaska in 2003 and Applicant's failure to disclose the 2001 conviction for Driving While Alcohol Impaired, in Erie County, New York.

(g) On or about 8/1/2006, Applicant signed a Probationary Appointment as an Associate Professor at Fort Hays State University, Hays, Kansas. Applicant's assignment at Fort Hays was as a nursing instructor. Applicant's appointment required her to hold and maintain a Kansas R.N. license in good standing.

(h)

[REDACTED]

(i) On or about 3/31/2007, Applicant's license to practice nursing in Kansas lapsed.

(j) On or about 6/22/2007, Applicant signed another Probationary Appointment as an Associate Professor at Fort Hays State University, Hays, Kansas. Applicant's assignment at Fort Hays was as a nursing instructor. Applicant's appointment required her to hold and maintain a Kansas R.N. license in good standing.

(k) Applicant was employed as a nursing instructor at Fort Hays State University, Hays, Kansas from 4/1/2007 to 2/27/2008 while her license to practice nursing in Kansas was lapsed.

(l) On or about 6/25/2007, the Board received Applicant's application for reinstatement of her license to practice nursing in the state of Kansas as a registered nurse.

(m) On or about 12/14/2007, Applicant's application for reinstatement of her license to practice nursing in the state of Kansas was denied.

(n) On or about 2/11/2008, the Board received Applicant's application for reinstatement of her license to practice nursing in the state of Kansas as a registered nurse.

### **CONCLUSIONS OF LAW**

2. 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 this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(a) 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 or to have other disciplinary action taken against the applicant or Applicant by a licensing authority of another state, agency of the United States government, territory of the United States or country.

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

(c) 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.

(d) K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(e) 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.

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

3. Applicant's conduct described herein violates the Kansas Nurse Practice Act.

4. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.

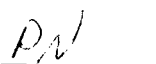
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

- 1. Applicant's reinstatement application to practice nursing in the state of Kansas is denied.**

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

  
~~Janet Jacobs~~, LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 9<sup>th</sup> day of May, 2009, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Sandra H. Tweed  
1327 A Anthony Drive  
Hays, KS 67601

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Mark A. Knight, #12183  
Assistant Attorney General