

BEFORE THE KANSAS STATE BOARD OF NURSING

FILED
#213
MAY 17 2012 *part*

KSBN

IN THE MATTER OF

Case No. 10-1064-4 &
09-1054-4

Linda M. Ronsick
License No. 13-49597-071

OAH No. 12BN0068

INITIAL ORDER

Now on this 17th day of April 2012, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing (Board). Sandra L. Sharon was duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Linda M. Ronsick, appeared in person.

Findings of Fact

1. On Friday, August 7, 2009, the respondent reported for work at Promise Regional Medical Center under the influence of alcohol. Before being relieved that night, the respondent administered medications to at least one patient. Further, the appellant used a family member's truck to report to work because she had a breathalyzer on her own vehicle.
2. In March 2010, the respondent was referred to the Kansas Nurse Assistance Program (KNAP) for chemical dependency and evaluation with subsequent monitoring.
3. By May 20, 2010, the respondent was in serious noncompliance with KNAP for failing to enroll with Affinity for required random urine drug screens.
4. On August 10, 2010, the respondent was in touch with KNAP reporting that she had relapsed and was in the hospital at Prairie View in Newton.
5. On March 28, 2011, a KNAP representative contacted the respondent regarding a positive UA. The respondent admitted that she had been drinking and had a glass of wine in the evenings.
6. On April 7, 2011, the respondent requested a Safe to Return to Work statement from KNAP. She could not get one from the therapist because she had no money and her doctor wanted her to apply for disability.
7. The respondent's doctor wrote a letter April 11, 2011 to the Social Security Administration. This letter indicated that the respondent suffers from severe depression and intermittent alcohol abuse. It was her doctor's opinion that it was impossible for the respondent to obtain or maintain significant employment.

8. In February 2011, the respondent had another relapse with alcohol.
9. On September 15, 2011 the respondent had a conversation with a representative from KNAP. During that conversation, she admitted that she had again relapsed on alcohol and was hospitalized.
10. By letter dated September 16, 2011, the respondent was notified that she was in serious noncompliance with KNAP for failure to provide urine drug screens as randomly selected.
11. On September 23, 2011, KNAP notified the respondent that she had missed a second urine drug screen and that if KNAP did not hear from her, her case would be closed on September 30, 2011.
12. On September 30, 2011, the respondent's KNAP case was closed. During a conversation with a KNAP representative the respondent stated that her last drink of alcohol was on September 12, 2011.
13. Over the years the respondent's drinking has caused her social and legal problems. She was convicted of disorderly conduct on March 21, 1990. She was convicted of a DUI on February 14, 2008.
14. The respondent consistently failed to report these convictions on her application for a license to practice nursing in the State of Kansas.
15. The respondent has reportedly been sober since September 12, 2011. She requests that her license not be revoked but that it be allowed to expire. The respondent assured the presiding officer and the Board that she would not pursue work as a nurse but would like to have her license expire instead of being revoked.

Applicable Law

1. The Board has the authority to deny, revoke, limit, or suspend any license to practice nursing in the State of Kansas when there has been a violation of the Kansas Nurse Practice Act. K.S.A. 65-1120 (a).
2. Violations of the Kansas Nurse Practice Act include: to be guilty of fraud, or deceit in practicing nursing or procuring or attempting to procure a license to practice nursing. K.S.A. 65-1120 (a)(1).
3. It is also a violation of the Kansas Nurse Practice Act to be guilty of unprofessional conduct as defined by the rules and regulations of the Board. This includes the failure to complete the requirements of the impaired provider program of the Board. K.S.A. 65-1120 (a)(6) & K.A.R. 60-3-110(s).

4. It is a violation of the Kansas Nurse Practice Act to be unable to practice with skill and safety due to current abuse of drugs or alcohol. K.S.A. 65-1120 (a)(4).

Discussion

1. The respondent asserts that she has not had a drink since September 12, 2011. However, the respondent has a history of relapse with alcohol. To have not had a drink since September 2011 does not indicate the respondent is not at risk of drinking. Further, the passage of time since September 2011 is not so great that it could be said with any assurity that the respondent is safe to practice nursing. This is especially true in light of the fact that the respondent is not currently being monitored.
2. The respondent's failure to complete KNAP is also a violation of the Kansas Nurse Practice Act. The purpose of the respondent's referral to KNAP was so that she could be monitored for safety to practice. This is a violation of K.S.A. 65-1120 (a)(6) & K.A.R. 60-3-110 (s).
3. The respondent requests that her license not be revoked but that upon her promise she will not practice nursing if her license is allowed to lapse. This request ignores the obvious. The Board issuing a license to practice nursing is permission to practice. The Board cannot extend permission for the respondent to practice nursing because of the violations listed above. Even though the respondent asserts she will not practice nursing as licensed, logically, the Board cannot allow the respondent to have a license to practice nursing.

Conclusion

The Board's petition to revoke the respondent's license to practice nursing is affirmed.

Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. 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: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

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.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.


Sandra L. Sharon
Administrative Law Judge/Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612
Telephone: 785-296-2433

CERTIFICATE OF SERVICE

On May 16, 2012, I mailed this original document through State Building
Mail to:

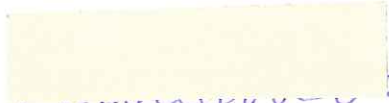
Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

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

Alma Heckler
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:

Linda M. Ronsick
18392 East Wyoming Place
Aurora, CO 80017


Staff Person
Office of Administrative Hearings