

BEFORE THE KANSAS STATE BOARD OF NURSING  
LONDON STATE OFFICE BUILDING  
900 S.W. JACKSON, ROOM 551-S  
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF: )  
 ) CASE NO. 91-222-0  
 )  
CARLA LANCASTER )  
LICENSE NO. 13-055947-012 )

**INITIAL ORDER**

Now on this 28th of September, 1995, the above-captioned matter comes on for hearing before Terry E. Beck, the Board's designated Hearing Officer, on the Respondent's motion requesting a modification of the previous order limiting her license. The Petitioner appears by and through Assistant Attorney General Mark S. Braun, Disciplinary Counsel for the Board. The Respondent, Carla Lancaster, appears in person and without counsel.

The Hearing Officer reviews the Agency Record in this case and notes that On August 14, 1995, the Board received a letter directed to the Petitioner's counsel, formally requesting to expand her license. That letter was filed in the Agency Record in Case No. 91-222-0(A), and is being treated as a motion to modify the Board's previous order in Case No. 91-222-0. A Consent Agreement and Final Order, signed by both the parties and approved by the Board was filed with the Board on August 26, 1993. This Consent Agreement

and Final Order constituted a disciplinary action in which the Respondent's license to practice in the State of Kansas was limited as stated in that document. The matter now before the Hearing Officer is the Respondent's request for an expansion of her nursing license.

The Respondent is informed by the Hearing Officer of her right to counsel. The Respondent states she is aware of her right to an attorney and advises the Hearing Officer that she wishes to waive her right to an attorney and appear on her own behalf.

The matter proceeds to hearing and the Hearing Officer inquires of the Petitioner of its position regarding the request for an expanded license. The Petitioner's counsel informs the Hearing Officer that he received a letter in June, 1995 from the Respondent inquiring about the possibility of expanding her license to practice. Counsel informed the Respondent that she would need to make a request to the Board or the Hearing Officer for such expansion and provide as much information as possible in support of her request. The Petitioner's counsel also informs the Hearing Officer that counsel and the Respondent discussed the Respondent's activities and situation since the Consent Agreement and Final Order. The Petitioner's counsel informs the Hearing Officer that based upon the Respondent's compliance with the Consent Agreement and Final Order and other information received, there was no opposition to some expansion of her license, but not a full reinstatement of her license. The Petitioner's recommendation is that the Respondent's license remain limited, in that the

Respondent shall not administer any controlled substances, narcotics or mood altering drugs, nor shall she carry keys or have any access to any storage areas for controlled substances, narcotics, or mood altering drugs. Further, Respondent is to limit her employment from accepting any nursing positions wherein she would be expected to administer those medications or carry keys or have access to those medication storage areas. Respondent's current license expires January 31, 1996. It is expected that the limitation would continue upon renewal of her license and any further license renewals or reinstatements until further order of the Board.

The parties agree upon the exhibits to be admitted in this matter. While they are joint exhibits, they have been marked as "Petitioner's Exhibits, Nos. 1-8. Exhibits Nos. 1-4 are four separate evaluations, )"Performance Evaluation and Development Review") of the Respondent by her employer, Allied National, Inc. Exhibit No. 5 contains four certificates issued to the Respondent by her employer honoring her for perfect attendance. Exhibit No. 6 is a letter "To Whom it May Concern" from Susan E. Schif regarding her knowledge of the Respondent as a co-worker. Exhibit No. 7 is a copy of a card the Respondent's ex-husband sent her. Exhibit No. 8 is a copy of a recommendation letter from Doug Greig to the University of Kansas School of Journalism Graduate Program about the Respondent. All 8 exhibits are admitted by agreement of the parties.

The Hearing Officer seeks clarification from the Respondent about her request. The Hearing Officer states that it is his understanding that the Respondent is seeking a modification of the limitation, which would expand her license, but would not be a full reinstatement of her license at this time. The Respondent states that the Hearing Officer is correct. The Respondent states that throughout the time period of her difficulties there was never any complaint or assertion that her patient care suffered. She acknowledged that there was the potential for such harm. Respondent does not want to be around drugs, controlled substances or any medications, but wants the opportunity to practice in other areas. Upon inquiry by the Hearing Officer, the Respondent states that she does not have any special employment in mind, but wants the option if her current job in utilization review is eliminated. Respondent further states that all the reporting requirements ended in January, 1995, and she has complied with those requirements.

WHEREUPON, the Hearing Officer states that he has reviewed the exhibits and the previous order. Based upon the exhibits and the statements by the Petitioner that the Respondent has complied with the previous order, the Hearing Officer states that his duty in considering this request is similar to his responsibilities in considering a reinstatement application, which are designed to protect the public. Would the modification, if granted, jeopardize the public health, safety and welfare?

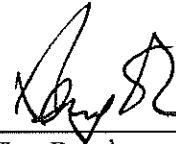
The Hearing Officer finds that the Respondent has complied with the previous order's requirements, that she has come a long

way in her recovery and that granting the modification would not jeopardize the public health, safety and welfare.

**ORDER**

IT IS THEREFORE ORDERED that the Respondent's request for an expanded license is granted. However, the Respondent's license shall remain **limited**, in that the Respondent shall not administer any medications that are controlled substances, narcotics, or other mood altering drugs. The Respondent shall not carry any keys or have any access to any medication storage areas for controlled substances, narcotics, or other mood altering drugs. Further, the Respondent shall not accept any employment in any area that would put her in a position to administer such medications or that would give her access to medication storage areas. Further, any renewal or reinstatement of the Respondent's license upon expiration January 31, 1996, and any subsequent renewal or reinstatement of her license, shall be contingent upon the limitation remaining in effect until further order of the Board.

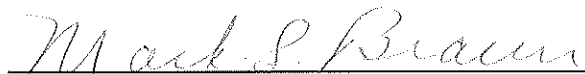
IT IS SO ORDERED.



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Terry E. Beck  
Hearing Officer

Prepared and Submitted by:



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Mark S. Braun  
Disciplinary Counsel  
Assistant Attorney General  
Kansas State Board of Nursing  
900 S.W. Jackson Rm 551-S  
Topeka, Kansas 66612-1230  
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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 6<sup>th</sup> day of November 1995, I deposited a true and correct copy of the Initial Order in the United States Mail, first class mail, postage prepaid to the following:

Carla J. Lancaster  
P.O. Box 474  
Basehor, Kansas 66007

and by hand delivery to:

Mark S. Braun  
Assistant Attorney General  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson Rm 551-S  
Topeka, Kansas 66612-1230

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