

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON, ROOM 551-S
TOPEKA, KANSAS 66612-1230
913/296-8401

IN THE MATTER OF:)

Guerrero
BOBBI ~~GUERRO~~)
LICENSE NO. 13-057395-121)

) Case No: 96-0037-8
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)
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)
)

INITIAL ORDER

Now on this 26th day of June, 1996, the above-captioned matter comes on for Scheduling Docket before Terry E. Beck, the Board's designated Hearing Officer, on the Petition filed with the Board. The Petitioner appears by and through Assistant Attorney General Mark S. Braun, Disciplinary Counsel for the Board. The Respondent, Bobbi Guerrero, appears in person and without counsel.

The Hearing Officer inquires of the Respondent whether she received the Petition and whether she understands the nature of the allegations contained in the Petition. Respondent states that she received and understands the allegations. Respondent inquires of the Respondent whether she has any objection to the Board's jurisdiction in this matter. Respondent states she has no objection.

The Hearing Officer advises the Respondent that she has the right to be represented by an attorney in these proceedings, if she chooses to obtain one. Respondent acknowledges this right, but wishes to proceed without counsel.

The Hearing Officer advises the Respondent she may either admit or deny the allegations in the Petition. If Respondent denies the allegations, the matter will proceed to hearing in which the Petitioner will have to prove, through witnesses and evidence, that the Respondent committed the act(s). The Respondent will have the opportunity to cross-examine the Petitioner's witnesses, as well as the opportunity to present witnesses and evidence on her own behalf. If Respondent admits the allegations, there will be no hearing. Based on the admission(s), the Hearing Officer will make a finding that the Respondent committed the act(s) complained of and that Respondent has violated the Kansas Nurse Practice Act as specified by the Petitioner. The matter will then proceed to disposition to determine and impose the appropriate discipline for the violation.

The Hearing Officer inquires of the Respondent if she understands her options regarding the allegations. Respondent states that she understands her options. The Hearing Officer inquires of the Respondent whether she admits or denies the violation alleged in Counts I, II, III, and IV. Respondent admits to the violations alleged in those counts.

The Hearing Officer accepts the admissions to those counts and finds that the Respondent has violated the Kansas Nurse Practice

Act as stated in the Petition. Based upon the Respondent's admissions to the violations, the Hearing Officer makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent was issued a license to practice nursing in the State of Kansas as a registered professional nurse (R.N.), license number 13-057395-121, which expires October 31, 1996.

2. The Notice of Proceedings in this matter were sent to the Respondent at her last address known to the Board by first class mail on June 13, 1996.

3. Respondent has been advised of her right to counsel and voluntarily waived that right.

4. Respondent, after explanation of her options, admitted to filling her name on prescriptions for supplies of 50 mg demerol in September, 1995 and January, 1996 without authority to do so, which constitutes unprofessional conduct in violation of K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering a record of a patient or agency, as specified in Counts I and III.

5. Respondent, after explanation of her options, admitted to presenting false and unauthorized prescriptions in September, 1995 and January, 1996, and obtained a supply of 50 mg demerol on both occasions, which constitutes unprofessional conduct in violation of K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(i), as specified in Counts II and IV.

6. Respondent has violated the Kansas Nurse Practice Act, for which disciplinary action may be taken by the Board, or its designated hearing officer against the license or licensee.

CONCLUSIONS OF LAW

1. The Board and this Hearing Officer have jurisdiction to hear this matter pursuant to the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and the Kansas Administrative Procedures Act, K.S.A. 77- 501 et seq. Respondent stipulates to such jurisdiction.

2. The Respondent has been advised of her right to counsel and has knowingly and voluntarily waived that right.

3. The Respondent has been properly served with the Petition and Notice of Proceedings in this matter pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

4. The Board, and by designation the Hearing Officer, have the authority, after a finding of a violation of the Nurse Practice Act, to impose any of the disciplinary sanctions identified in K.S.A. 65-1120 and K.S.A. 74-1110 against the Respondent or the Respondent's license to practice nursing in the State of Kansas.

5. K.S.A. 65-1120(b) requires these proceedings of the Board to be conducted pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

6. Based on Respondent's admissions, Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., as stated in Counts I, II, and IV, specifically: K.S.A. 65-1120(a)(6) unprofessional conduct by diverting demerol, as defined by K.A.R. 60-3-110(i), as described in Counts II and IV, and unprofessional

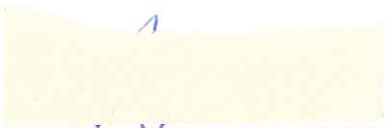
conduct by falsifying, inaccurately recording or altering records, falsifying the prescription, as defined by K.A.R. 60-30-110(d), as stated in Counts I and III.

ORDER



Based on the above findings of fact and conclusions of law, the agreement of the parties, and the Respondent's request, IT IS THEREFORE ORDERED pursuant to the disciplinary remedies available under K.S.A. 65-1120 and K.S.A. 74-1110, that Respondent's license to practice as a registered professional nurse, (R.N.), is hereby **suspended** from the practice of nursing for a period of sixty (60) days from the effective date of this order, or until the administrative fine and costs are paid, whichever is longer. In addition, Respondent is assessed an **administrative fine** of two hundred fifty (\$250.00) dollars. Respondent must pay the **administrative fine and costs** within the time period of the 60-day suspension, or the suspension shall remain in effect until the **administrative fine and costs** are paid in full. The administrative fine shall be paid by cashier's check or money order payable to the State of Kansas, but delivered to the Board of Nursing office within the time frame described above.

Further, Respondent shall be assessed costs of these proceedings in the amount of thirty-five (\$35.00) dollars. The costs shall be paid by cashier's check or money order payable to the Board of Nursing and delivered to the Board office within the time frame described above.

IT IS SO ORDERED.


Terry E. Beck
Hearing Officer

Prepared and Submitted by:



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

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.

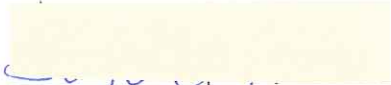
CERTIFICATE OF SERVICE

This is to certify that on the 2nd day of July, 1996, I deposited a true and correct copy of the Initial Order in the United States Mail, first class mail, postage prepaid to the following:

Bobbi Guerrero
1023 SW 16th Street
Topeka, Ks 66604-2910

and by hand delivery to:

Mark S. Braun
Assistant Attorney General
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