

BEFORE THE KANSAS STATE BOARD OF NURSING  
Landon State Office Building, 900 S.W. Jackson 1051  
Topeka, Kansas 66612-1230

Filed  
OCT - 4 2004  
Board of Nursing

IN THE MATTER OF  
Bobbi J. Guerrero

CASE NO. 99-610-8

RN LICENSE NO. 13-57395-121

TEMPORARY ORDER of SUSPENSION OF LICENSE AND THE STAY WILL

BE REINSTITUTED WHEN NOTIFIED BY [REDACTED] and A LIMITATION WILL BE

ADDED

Now on this 24th day of September, 2004 the petitioner's motion to suspend respondent's license to practice nursing in the State of Kansas comes on for hearing and the respondent appears personally, and the petitioner, the board of nursing, by and through disciplinary counsel for the board, Betty Wright, and after a full and fair hearing the hearing officer makes the following findings and orders:

FINDINGS OF FACT

1. Respondent's address of record is 1023 SW 16TH, Topeka, KS 66614
2. The Board's request to proceed under K.S.A. 77-536, is granted due to there being a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action. The Respondent does not object to proceeding under emergency procedures.
3. The respondent has several past cases with the board, in Case 96-037-8 her license was suspended for 60 days for forging Demerol prescriptions, in Case 97-018-8 she worked on a suspended license and was fined and suspended for 90 days. In Case 99-610-8 she was found to have diverted Demerol and was suspended with a stay as long as she was compliant with [REDACTED]. In case 03-396-8 licensee completed CNES by letter agreement for passing controlled substances while on a key restriction.
4. On 9/16/2004 the board received notice from [REDACTED] that respondent is noncompliant with their program. The noncompliance issues are as follows:

- a. On or about May and June 2004, licensee was noncompliant with [REDACTED] by administering controlled substances while she was on the KNAP key restriction at McCrite Plaza Health Center, Topeka, KS.
- b. Licensee failed to inform employer, McCrite's of her [REDACTED] involvement and key restriction.
- c. Licensee failed to report to [REDACTED] her last two new employers, as agreed in the [REDACTED] contract. Her employment at McCrite's, in May or June 2004 was not reported to [REDACTED].  
Her employment at the Kansas Dialysis Center, Topeka in approximately June 2004 was also not reported to [REDACTED] until September 16, 2004.
- d. A UDS done on 9/9/04 for [REDACTED] was positive for alcohol.

5. The respondent testified that she has had two previous suspensions due to [REDACTED] violations. In this case she violated the key restriction and she did pass controlled substances at McCrites. She claims she informed McCrites of her [REDACTED] involvement, however this statement was found to be inaccurate since Ms. Peschka had interviewed both the administrator and DON at McCrites, both denied knowledge of a key restriction. Licensee admitted she did not report the McCrites job to [REDACTED] immediately as required. She admits that she did not report her Kansas Dialysis job immediately as required by [REDACTED]. Respondent admits she received a positive UDS for alcohol, however she maintained that this was due to an alcohol based mouthwash, and not to alcohol consumption. She is having the result retested.

#### **CONCLUSIONS OF LAW**

6. After hearing the allegations of the petitioner, and testimony of the respondent, Mary Carder from KNAP, and Karen Peschka, KSBN investigator the hearing officer finds that violations of the nurse practice act have occurred.

7. The respondent has been noncompliant with [REDACTED] and the Order in this case to be compliant with [REDACTED] by violating the key restriction imposed by [REDACTED] and by failing to report her [REDACTED] involvement to her last two employers and to [REDACTED]. The positive alcohol may not necessarily indicate a relapse, and the retesting has not been conducted, so a finding will not be made on that issue. The respondent has violated:

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; and

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.

8. The hearing officer finds that the Stay of Suspension should be lifted and the license shall be suspended until [REDACTED] receives the authorization for a release of information from her current employer, Kansas Dialysis Center. When [REDACTED] informs the legal division of the receipt of this documentation, the Lift will be reinstated with Agreed Order to reinstitute the Stay of Suspension, and she may practice nursing. All previous conditions remain in place when the Stay is reinstated.

9. A limitation will be placed on her license that her license is valid only at the Kansas Dialysis Center since there are no controlled substances administered in this nursing position. An L will be placed on her license when it is reissued.

10. The hearing officer makes no finding on the issue of a relapse to alcohol and the matter will be set for further review on October 27, 2004 at 9:00 a.m.

11. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

**IT IS SO ORDERED.**

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Terry E. Beck, Hearing Officer

**NOTICE OF RIGHT TO APPEAL**

The procedures available and time limitations for seeking review or other relief as follows:

Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send your request to:

Mary Blubaugh, Executive Director, Board of Nursing  
Landon State Office Bldg.  
Suite 1051, 900 SW. Jackson  
Topeka, KS 66612-1230.

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

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Betty Wright  
Assistant Attorney General  
900 S.W. Jackson, Suite 1051  
Topeka, Kansas 66612-1230  
785-296-4325

**CERTIFICATE OF SERVICE**

On the 4<sup>th</sup> day of October, 2004, I caused a copy of this document to be mailed, postage prepaid, to respondent at the above address.

Bobbi J. Guerrero  
1023 SW 16th  
Topeka, KS 66604

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Betty Wright