

Filed
NOV - 1 2004
Board of Nursing

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

IN THE MATTER OF
Bobbi J. Guerrero
RN LICENSE NO. 13-57395-121

CASE NO. 99-610-8

**TEMPORARY ORDER of SUSPENSION OF LICENSE FROM NOVEMBER 1,
2004 TO NOVEMBER 30, 2004 and FINE**

Now on this 27th day of October, 2004 the petitioner's temporary suspension of respondent's license to practice nursing in the State of Kansas comes on for review and the respondent appears personally, and the petitioner, the Board of Nursing, by and through disciplinary counsel for the board, Betty Wright. 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, was 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 testified that she was noncompliant with the order of September 24, 2004 and worked on three days, a total of 27.5 hours at the Kansas Dialysis Services. Testimony of respondent that she had told her employer, Kansas Dialysis Services of her KNAP involvement was refuted by testimony of Karen Peschka, Board investigator. Ms. Peschka had interviewed the employers who stated that they were not told by respondent that she was in KNAP.

4.

5.

CONCLUSIONS OF LAW

6. After hearing the allegations of the petitioner, the 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 violated:

K.S.A. 65-1120(a)(6), unprofessional conduct by
K.A.R. 60-3-110 (a) 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 orders that for the above violations the respondent will be suspended

from practicing nursing from November 1, 2004 to November 30, 2004. She may resume practice after that date if KNAP will provide the board with a statement that she is safe to practice nursing.

9. For working on a suspended license, in direct violation of an order to suspend her practice, the licensee is assessed an administrative fine of \$270, this is approximately half of the wages she earned on the suspension. This amount is payable to the board within one year of this date.
10. Previous limitation remains in effect.
11. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

IT IS SO ORDERED.

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.

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

CERTIFICATE OF SERVICE

On the 3rd day of November, 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

Kansas Dialysis Services
624 SW Mulvane
Topeka, KS 66606

KNAP
6405 Metcalf, Ste 403
Cloverleaf Complex Bldg. 3
Overland Park, KS 66202

Betty Wright