

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

Filed
APR 02 2003
Board of Nursing

IN THE MATTER OF
JACKIE SANDERS
LICENSE NO. 13-058775-072

CASE NO. 01-473-5

DEFAULT ORDER REVOKING LICENSE

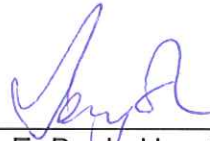
NOW ON THIS 2nd day of April, 2003, petitioner appears by disciplinary counsel, Alma Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent is licensed through 7/31/2004 as an R. N. The Board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking license.
4. The petitioner's request is granted by default.
5. Respondent violated; K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
K.A.R. 60-3-110(n) diverting drugs, supplies, or property of any patient or agency;
K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the Board.
6. Costs of the action of \$70.00 are assessed to respondent to be paid to the Board by cash or money order within 30 days of the effective date of this order.

7. Respondent shall forward original Kansas R.N. license no. 13-058775-072 immediately to the Kansas State Board of Nursing.
8. 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

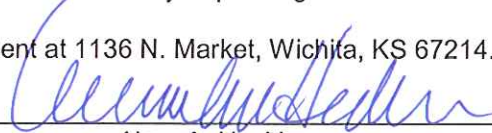
This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within ten days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.



Alma A. Heckler
Assistant Attorney General
900 S.W. Jackson, Suite 1051
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 2nd day of April, 2003, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to respondent at 1136 N. Market, Wichita, KS 67214.



Alma A. Heckler

Filed

MAR 03 2003

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
JACKIE SANDERS
LICENSE NO.13-058775-072

CASE NO. 01-473-5

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas as an R.N. through 7/31/2004. Respondent was reinstated but the Board received erroneous information that the respondent was enrolled in the Kansas Nurses Assistance Program.
2. The board may deny, limit, suspend, or revoke a nursing license, certificate or authorization to practice nursing or may issue a public or private censure if a violation of K.S.A. 65-1120(a) is established.
3. After an investigation, the Board found reasonable grounds for believing that respondent violated K.S.A.65-1120(a) and referred the matter for further proceedings.

FACTS COMMON TO ALL COUNTS

4. On or about 7/19/01 the respondent went into her employer's facility with alcohol on her breath. Respondent admitted to seeing patients on 7/19/01 but stated that she was supposed to start her vacation later in the day. The respondent denied drinking but when asked to submit to urinalysis, her UDS was positive for alcohol. The respondent was enrolled in the Kansas Nurses Assistance Program (KNAP) and the results of the positive U.D.S. were sent to KNAP. The respondent did not respond to a letter from KNAP, dated July 24, 2001, requesting a new evaluation and did not send in any documentation of her

completion of the evaluation. KNAP closed the respondent's case on 9/19/01. Respondent was employed at the facility on 10/19/98 until 9/24/01.

5. In an earlier letter to the Board on 9/26/96 in Case No. 96-0072-5, the respondent stated that she had a DUI in 1989 and entered into treatment that same year. Respondent stated in that same letter that she had not had any problems with drugs or alcohol since 1989.

6. Respondent's driver's license was suspended in October, 1996 due to another DUI arrest. Respondent wrote another letter to the Board in April of 1997 and in that letter admitted to a long history of alcohol abuse, that her abuse of alcohol has had an impact on her work performance and patient care. Respondent also admitted that she attended out-patient care sometime in 1996 or 1997 and was not currently compliant with KNAP.

7. In Case No. 96-0072-5, the respondent's nursing license was suspended, but the suspension was stayed until 7/31/98 until her license was due to lapse. If she renewed, the suspension was stayed until October 17, 1998 and the respondent was required to enroll in and participate in KNAP, to submit quarterly reports on performance for one year and to notify employers about the agreement. The case was completed and inactivated on 6/29/00.

8. In Case No. 96-0072-5, the hearing officer adopted the following findings of fact proposed by the petitioner in its proposed default order:

Item 7- "Respondent committed the acts alleged in paragraph 5, Count II of the Petition as stated therein and in the Factual Statement, that Respondent has abused alcohol to the point it interferes with her ability to practice with safety and skill."

Item 8- "Petitioner's Exhibit No. 1 indicates that the Respondent did not drink while on duty, but she acknowledges she worked while hung over, which along with other problems, negatively affected her work. Respondent also states she worried about charting mistakes at work and memory losses."

9. The respondent has failed to demonstrate any rehabilitation and the Board is unaware of the respondent's completion of current treatment for her alcohol abuse.

COUNTS

Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 2: K.A.R. 60-3-110(n) diverting drugs, supplies, or property of any patient or agency.

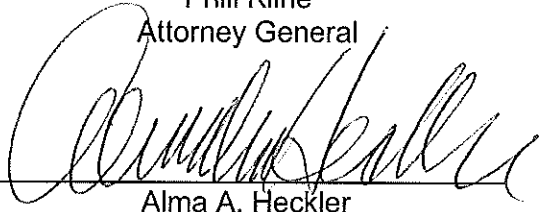
Count 3: K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board.

WHEREFORE, petitioner requests revocation and/or disciplinary action against respondent's license and for \$70.00 costs to be assessed to respondent.

Respectfully submitted,

Phill Kline
Attorney General

By: _____


Alma A. Heckler
Assistant Attorney General
Board of Nursing
785-296-4325