

Rex G. Beasley #08777  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson, Suite 551-S  
Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING  
LANDON STATE OFFICE BUILDING  
900 S.W. JACKSON, #551-S  
TOPEKA, KANSAS 66612-1230  
785 296-8401

IN THE MATTER )  
 )  
OF ) Case No: 97-0328-5  
 )  
JO JEAN PATTERSON f.k.a. )  
JO JEAN COLEMAN )  
LICENSE NO. 13-061442-091 )

**INITIAL ORDER**

ON THE 14<sup>th</sup> day of October, 1998 this matter came on for hearing before Terry E. Beck the Board's designated Hearing Officer on the Petition filed by the Kansas State Board of Nursing. The Respondent appeared in person. The Kansas State Board of Nursing appeared by and through Assistant Attorney General Rex G. Beasley, Disciplinary Counsel for the Board.

**THEREUPON** the parties presented their evidence and arguments and rested.

**THEREUPON** , after reviewing the file, hearing the evidence and arguments of the parties and being well advised the Hearing Officer made the following findings of fact and conclusions of law:

1. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter.

2. Respondent is or has been entitled to practice as a registered nurse (R.N.) in the State of Kansas, having been issued license no. 13-061442-091, having an expiration date of September 30, 1997. Prior to the expiration of her license, Respondent timely filed a renewal application. Respondent's renewal license was not granted because of disciplinary actions pending against her. Respondent was given an extension pursuant to K.S.A. 77-511(d).

3. Although the allegations of paragraph 5a of the Petition are found to be true, there is no clear and convincing evidence that those allegations constitute a separate violation of the Kansas Nurse Practice Act.

4. The allegations of paragraphs 5b, 5c, and 5d of the Petition are found to be true. From December 23, 1993 through September 1997 Respondent obtained a total of 264 prescriptions from 12 different physicians which were filled at 6 different pharmacies. Respondent was told by one of her physicians that she was addicted to Butalbital, described in the Physicians' Desk Reference as a habit forming barbiturate which may impair mental and/or physical abilities. Respondent worked under the influence of drugs or alcohol.

5. Respondent's own testimony and admissions concerning her excessive drug usage and the other testimony and exhibits constitute and establish by clear and convincing evidence that Respondent is unable to practice nursing with skill and safety due to current use of narcotics. The evidence available shows that as late as July 1998 Respondent has engaged in a continuing pattern of obtaining habit forming drugs on a very very frequent basis, which is way more than any testimony presented would justify as being a reasonable

dosage. The strongest evidence concerning the frequency of Respondent's drug usage came from the Respondent's own testimony and from the documentary evidence presented. The hearing examiner noted that those facts cause him to be quite concerned, and that he is also concerned that Respondent may be engaging in "doctor shopping" for the purpose of obtaining medication.

6. Respondent's actions violate K. S. A. 65-1120(a)(4) for which she should be disciplined.

7. Respondent's application for renewal of her license has been pending the outcome of these proceedings.

8. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, <sup>TED</sup> ~~and by~~ Respondent's license should be renewed and then simultaneously **suspended** through the period of licensure, September 30, 1999. The suspension should be stayed, allowing the Respondent to continue to practice under the following terms and conditions:

(a) Respondent must immediately enroll in and comply with all the requirements of the Kansas Nurse Assistance Program. Respondent's must comply with all the recommendations and requirements of the program. It is the Respondent's obligation to enroll and meet all the requirements of the program.

(b) Respondent must immediately undergo an evaluation for addictive behavior. The evaluator shall be provided with and have full access to all records of Respondent's drug usage, her medical condition employment records so that a full and complete assessment of Respondent can be made. Respondent shall follow any treatment recommended by the evaluation.

(c) A copy of the evaluation ordered in paragraph 8(b) shall be immediately provided to the Board and to the Board's Practice Specialist, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 551-S, Topeka, Kansas 66612-1230.

(d) Respondent shall sign any release(s) necessary so that the Kansas State Board of Nursing can obtain information about Respondent from any employer, past employer, and any physician or other health care professional who treats Respondent or provided medication to her.

(e) When and if Respondent should consult with any other physician or health care practitioner other than Dr. Curry, Respondent shall immediately provide the Board with the name and address of such individual and furnish a new consent for the Board to obtain records from such individuals.

(f) Respondent shall notify all employers of this Agreement and shall cause her employer(s) to provide quarterly reports for the period of her licensure. The reports shall be prepared by Respondent's immediate supervisor or by an R.N. who evaluates her performance on a regular basis. Such reports shall include information regarding attendance, performance and documentation. The quarterly reports shall be due, November 10, 1998, January 20, 1999, April 20, 1999, and July 20, 1999. These reports or evaluations shall be sent by the employer or person conducting the evaluation to the attention of the Board's Practice Specialist, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 551-S, Topeka, Kansas 66612-1230.

(g) This matter will reviewed in the event Respondent applies to renew her license in 1999 to determine whether the conditions and limitations imposed herein should be extended.


(h) Each and every condition outlined in this Order is mandatory and if Respondent fails to meet any one of the conditions the Board may proceed to cause a petition or other proceedings to be filed in this matter and that in all likelihood the stay will be lifted and the Respondent's license suspended.

(i) Respondent shall notify the Board within 10 days of any change of employment.


(j) Respondent shall pay costs in the sum of \$152.52. Said payments shall be made to the Board in cash or money order and shall be paid within 90 days of the entry of this Order.

**WHEREFORE**, the provisions stated above are made the Order of the Kansas State Board of Nursing.

**IT IS SO ORDERED.**

  
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TERRY E. BECK  
HEARING OFFICER

Approved as to form:

  
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REX. G. BEASLEY  
Assistant Attorney General  
Disciplinary Counsel

**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 20th day of October, 1998 I deposited a true and correct copy of the Order in the United States Mail, first class mail, postage prepaid to the following:

Jo Jean Patterson  
1608 Community Drive  
Derby, Kansas 67037

and by hand delivery to:

Rex G. Beasley  
Assistant Attorney General  
Kansas State Board of Nursing  
900 S.W. Jackson Rm 551-S  
Topeka, Kansas 66612-1230



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Patsy L. Johnson, R.N., M.N.  
Executive Administrator