

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

FILED
JAN 5 2012
KSBN

IN THE MATTER OF
TRINA K. CUTSHAW
License No. 13-66347-122

Case No. 10-1302-7

SUMMARY ORDER

Now this 5th day of January, 2012, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the registered nurse license of Trina K. Cutshaw, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 12/31/2012. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Licensee's address of record is 30887 Mission Belleview, Louisburg, KS 66053.

(c) On or about 7/25/2011, Licensee entered a Diversion Agreement, with Board to resolve case number 10-1302-7. Licensee admitted to a history of drug use; marijuana and cocaine. The Diversion Agreement remains in effect until such time as the Licensee completes all conditions and requirements of the Diversion Agreement. Licensee has not completed all the conditions and requirements of the Diversion Agreement.

(d) Conditions of the Diversion Agreement included a condition that the Licensee participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP). KNAP is the impaired Provider Program of the Board.

(e) On or about 12/29/2011, KNAP closed Licensee's KNAP case due to noncompliance. KNAP reported that Licensee failed to submit to urine drugs screens as directed. By failing to comply with the KNAP program, Licensee has violated the 7/25/2011 Diversion Agreement.

CONCLUSIONS OF LAW

2. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is

found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(a) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110(s).

(b) Licensee admitted to the following violations of the Kansas Nurse Practice Act (KNPA) in the 7/25/2011 Diversion Agreement:

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.S.A.65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(2), repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board.

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.
4. Licensee's conduct described herein violates the Diversion Agreement in case number 10-1302-07, dated 7/25/2011.
5. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.
6. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. The Licensee's license is revoked due to a finding of non-compliance with Diversion Agreement in case number 10-1302-7, dated 7/25/2011.

2. Licensee shall not practice nursing in the state of Kansas.

Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.

Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.



Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 5th day of January, 2012, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Trina K. Cutshaw
30887 Mission Belleview
Louisburg, KS 66053



Alma A. Heckler, #11555
Assistant Attorney General