

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

FILED

FEB 10 2012

KSBN

**IN THE MATTER OF
TAMARA A. ELLISON
License No. 13-68509-022**

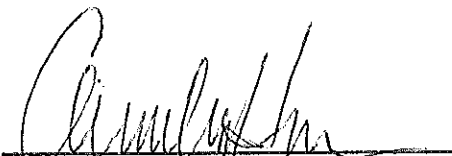
Case No. 10-1082-5

ORDER TO LIFT SUSPENSION


Now on this 10th day of Feb, 2012, the petitioner, the Board, through counsel Alma A. Heckler, moves to Lift the suspension of Respondent's license to practice nursing in the state of Kansas. Respondent's license to practice nursing was suspended following a finding that Respondent was guilty of unprofessional conduct (K.S.A. 65-1120(a)(6), as defined by the rules and regulations of the Board by K.A.R. 60-3-110 (g); specifically, verbal abuse, is defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonable be expected to result in the patient's unnecessary fear, emotional distress, or mental distress. Respondent's license was suspended on or about July 18, 2011 for six (6) months and the period of suspension has now expired.

The Investigative Committee Chair orders that the Suspension of Respondent's license to practice nursing in the state of Kansas is Lifted.

IT IS SO ORDERED.



Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612



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

NOTICE OF RIGHT TO APPEAL

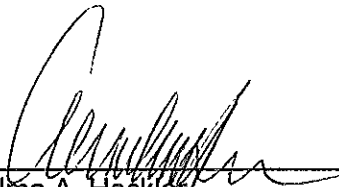
The procedures available and time limitations for seeking review or other relief as follows:
Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send your request to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office 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.

CERTIFICATE OF SERVICE

I certify that on the 10th day of February 2011, the foregoing copy of the Order to Lift Suspension was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Tamara Ellison
P.O. Box 161088
Wichita KS 67216



Alma A. Heckler
Assistant Attorney General

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

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JUL 18 2011
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IN THE MATTER OF
TAMARA A. ELLISON
License No. 13-68509-022

Case No. 10-1082-5

SUMMARY ORDER

Now this 18th day of July, 2011, 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 RN license of Tamara Ellison by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Respondent is licensed to practice nursing in the state of Kansas through 2/29/2012. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 5508 S. Emporia St., Wichita KS 67216.
3. On or about 8/25/2010, the Board received a report regarding Respondent, alleging that while employed at Derby Health and Rehabilitation, Respondent verbally abused a resident. A case, # 10-1082-5, was opened by the Board.
4. Review of the report and other information gathered by the Board revealed the following information upon which this action is based.
5. On or about 8/14/2010, while employed at Derby Health and Rehabilitation, Respondent told HW to "shut up and go to her room". In a statement from Jennifer Farney, CNA, Farney stated she witnessed Respondent telling resident HW to "shut up and go to your room" and "if you don't be careful your going to end up in a psych ward". Farney also stated she did not feel like HW was being unreasonable and that HW was very alert and oriented.
6. On 8/16/1010, a social worker conducted an interview with HW in response to the incident report dated 8/14/2010. In the interview, HW verified that on 8/14/2010, Respondent had yelled at her and told her to "shut up and go to your room". HW also reported that Respondent made her feel uncomfortable on two other occassions.
7. On 8/19/2010, Ms. Ellison was terminated by Derby Health and Rehabilitation due to the incident that occurred on 8/14/2010.
8. On 5/12/2011, investigator Betty Stewart of the Kansas State Board of Nursing attempted to notify Ms. Ellison that a case had been opened to investgate the incident that occurred on 8/14/2010. However, the letter Ms. Stewart mailed to Ms. Ellison's address of record was returned undelivered to the KSBN on 5/17/2011.

9. On the letter that was returned to the Board on 5/17/2011, the USPS indicated that Ms. Ellison could be reached at PO Box 151088 Wichita KS 67215-8088. Ms. Stewart once again attempted to notify Ms. Ellison of her case on 5/23/2011 by using this PO Box address. However, this second letter was returned to the Board on 5/27/2011, and the USPS indicated that no such PO Box number exists.
10. On 6/16/2011 Ms. Stewart attempted to notify Ms. Ellison that the Investigative Committee of the KSBN decided to refer her case to the Board's Disciplinary Counsel for further disposition. However, the letter Ms. Stewart sent to Ms Ellison's address of record was returned undelivered on 6/17/2011.

CONCLUSIONS OF LAW

1. 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 Respondent, 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 Respondent violated the following provisions of the Nurse Practice Act:
 - a. K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the Board, by KAR 60-3-110 (g) verbal abuse, which shall be defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonably be expected to result in the patient's unnecessary fear, emotional distress, or mental distress.
2. K.S.A. 77-511(a)(2)(A) and K.S.A. 77-537 of the Kansas Administrative Procedure Act authorize the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and 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.

POLICY STATEMENT

1. 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. **Respondent's RN license to practice nursing in the state of Kansas is suspended for a period of six (6) months from the effective date of this Summary Order.**

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.

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.



Janet Jacobs LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 18th day of July, 2011, 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:

Tamara Ellison
5508 S Emporia St
Wichita KS 67216



Danielle Sanger #24587
Assistant Attorney General