

FILED

JUN 9 2011

BEFORE THE KANSAS STATE BOARD OF NURSING

KSBN

IN THE MATTER OF

Case No. 07 1043 6; 07 696 6  
06 451 6


Amy D. Whittley  
License No. 13 072025 062

OAH No. 10BN0045

**INITIAL ORDER**

Now on this 12th day of May 2011, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon was duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears through Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Amy D. Whittley, appears in person.

Findings of Fact

1. On October 11, 2010, an Initial Order was issued in the above-captioned matter. In the Order, the respondent was ordered to complete two hours of Continuing Nurse Education on the Kansas Nurse Practice Act. This was to be completed by October 22, 2010, and a Certificate of Completion returned to the Board.
2. The Board has not received the Certificate of Completion from the respondent.
3. Further, the respondent was referred to the Kansas Nurse Assistance Program (KNAP).  

4. At hearing, the respondent acknowledged that she had not been forthcoming with the Board and that she had substance abuse problems. The respondent agreed to surrender her license to practice nursing in the State of Kansas to the Board.

Conclusions of Law

1. The Board has the authority to deny, revoke, limit, or suspend any license to practice nursing issued in the State of Kansas upon a finding that the individual nurse has violated the Kansas Nurse Practice Act. Kansas Statutes Annotated (K.S.A.) 65-1120.
2. Failing to comply with a disciplinary order of the Board constitutes unprofessional conduct pursuant to K.S.A. 65-1120(a)(6) and Kansas Administrative Regulation (K.A.R.) 60-3-110(r).
3. Failing to complete the requirements of the Board's Impaired Provider Program is also unprofessional conduct and is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(s).

Discussion

1. By the respondent's own admissions, she has violated the Kansas Nurse Practice Act by failing to be forthcoming with the Board [REDACTED] and by failing to comply with a disciplinary order of the Board.

Conclusion

1. Due to the respondent's violations of the Kansas Nurse Practice Act, her license to practice nursing in the State of Kansas is hereby revoked.
2. Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

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

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

OFFICE OF ADMINISTRATIVE HEARINGS



Sandra L. Sharon  
Presiding Officer  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, KS 66612

CERTIFICATE OF SERVICE

On June 9th, 2011, I mailed a copy of this document to:

Amy D. Whitley  
247 16500 Road  
Cherryvale, KS 67335

Mary Blubaugh, Executive Director  
Alma A. Heckler, Assistant Attorney General  
Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612



Staff Person  
Office of Administrative Hearings