

**FILED**

**OCT 8 2009**

**BEFORE THE KANSAS STATE BOARD OF NURSING**

**KSBN**

IN THE MATTER OF  
Tami J. Raida  
License No. 13 072560 012

Case No. 08 1097 6  
OAH No. 09BN0101

**INITIAL ORDER**

Now on this 31st day of August 2009, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon, is 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, Tami J. Raida, appears in person.

Findings of Fact

1. On December 8, 2008, the Board received the Respondent's reinstatement application of her license to practice nursing in the State of Kansas.
2. The Respondent had previously been licensed to practice nursing in Kansas from April 1995 through January of 2004. The Respondent let her license to practice nursing in the State of Kansas lapse in January 2004.
3. In 2003, the Respondent was issued a temporary license to practice nursing in the State of Texas.
4. The Texas Board of Nursing investigated the appellant's application to practice nursing in Texas and found that she had falsified her application by failing to report her plea of guilty to the felony offense of Larceny of Merchandise from a Retailer and Escape from Arrest or Detention in the District Court of the Eleventh Judicial District of the State of Oklahoma for Washington County.
5. On April 22, 2004, the Respondent entered into an agreed order with the Texas Board of Nursing placing her on suspension, the suspension was stayed as long as the respondent met all terms of the agreed order.
6. On September 23, 2005, the Respondent was arrested for a third degree felony and a class "A" misdemeanor. She was again arrested on October 4, 2005, in Allen, Texas for Possession of a Controlled Substance, a felony. The Respondent was convicted with both felonies and placed on three year probation.
7. On June 16, 2006, the Stay of Suspension was lifted on the Respondent's license to practice nursing in the State of Texas.

8. On November 13, 2008, the suspension on the Respondent's license to practice nursing in the State of Texas was lifted and she was placed on probation.
9. The Respondent has failed to comply with the terms of probation regarding her license to practice nursing in the State of Texas.
10. On her endorsement application of December 8, 2008, the Respondent failed to report the status of her disciplinary case with the Texas Board of Nursing or that she had failed to complete the probation requirements of the Texas Board of Nursing.
11. The Respondent argues that she no longer wishes to practice nursing in the state of Texas and therefore does not understand why she must meet the terms of her probation with the Texas State Board of Nursing.

#### Applicable Law

1. Pursuant to K.S.A. 65-1120(a)(2), the Kansas State Board of Nursing may deny an application to practice nursing as a registered professional nurse if the applicant is found to have been guilty of a felony or guilty of a misdemeanor involving an illegal drug offense unless the applicant can establish sufficient rehabilitation to warrant the public trust.
2. Further, pursuant to K.S.A. 65-1120(a)(4), the Board may deny an application to practice nursing as a registered professional nurse if the applicant is unable to practice with skill and safety due to current abuse of drugs or alcohol.
3. The Board may also deny an application to practice as a registered professional nurse if the applicant has a license to practice nursing suspended by any licensing authority of any other state. K.S.A. 65-1120(a)(8).

#### Conclusions of Law

1. The Respondent asserts that because she no longer wishes to practice nursing in the State of Texas that the actions taken there should not be applicable to her application to practice nursing in the State of Kansas. However, the Respondent does not take into account that the Kansas State Board of Nursing can deny her reinstatement application because her license to practice nursing has been suspended and she is on probation with the Texas State Board of Nursing. K.S.A. 65-1120(a)(8).
2. Further, the Respondent fails to understand that the Board has the authority to deny her reinstatement application due to her felony convictions involving illegal drug offenses until she can establish that she has been sufficiently rehabilitated to warrant public trust. K.S.A. 65-1120(a)(2)

3. Further, the Board may deny the Respondent's application to practice nursing in the State of Kansas if it believes she is unable to practice with skill and safety due to current abuse of drugs or alcohol. K.S.A. 65-1120(a).
4. In this case, the last action taken by the Texas Board of Nursing against the Respondent's license on May 5, 2006 was directly related to drugs and alcohol. The Respondent has failed to show that she is sufficiently rehabilitated at this time from drug activity and can practice nursing with skill and safety.

#### Conclusion

The Board's action to deny the Respondent's reinstatement application to practice nursing in the State of Kansas is affirmed.

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

CERTIFICATE OF SERVICE

On Oct 8, 2009, I mailed a copy of this document to:

Tami J. Raida  
5476 A Chism Lane  
Elk City, KS 67344

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



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Staff Person  
Office of Administrative Hearings