

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

**FILED**  
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**IN THE MATTER OF  
TERESE BERRY  
License No. 13-78166-011**

**KSBN**

**Case No. 12-2192-5**

**INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE**

NOW ON THIS 20<sup>th</sup> day of January 2015, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Respondent, Teresea Berry, pro se hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

**AGREED FINDINGS OF FACT**

1. Respondent is licensed to practice nursing in Kansas through 1/31/2015. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 1001 E. MacArthur, Lot 335, Wichita, Kansas 67216.
3. The Respondent understands that pursuant to K.S.A. 77-515, respondent may be represented at respondent's expense by, an attorney during these proceedings.
4. Respondent acknowledges that this agreement is an open record pursuant to the Kansas Open Records Act, K.S.A 45-215 et seq., and may be published or disseminated notwithstanding any state or federal law otherwise restricting public access to, or dissemination of, any personal or health care information, or any information or records of substance abuse evaluation and/or treatment contained herein.
5. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.

6. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120 is established.

7. (a) A petition was filed on May 5, 2014 to take disciplinary action against the Respondent's license and states the following:

(b) Respondent was employed by St. Catherine's Hospital, Garden City, Kansas on or about 8/21/2012. She tested positive for marijuana while at work. The Board referred her to the Kansas Nurse Assistance Program (KNAP) on 9/19/2013. She enrolled in KNAP on 12/31/2013. She enrolled in the three (3) year program.

(c) Respondent after she enrolled in KNAP on 12/31/2013, respondent failed at least three times to call in and check in with Affinity. Her KNAP case was closed on 1/27/2014.

(d) Respondent reported to Board investigator that she continued to drink alcohol while in KNAP. Respondent indicated she wants to keep her license and will enroll again in KNAP when she is ready.

Respondent admitted to the facts as stated in the petition when she entered into an Initial Agreed Order with the Board on 9/29/2014. Respondent agreed to enroll in the Kansas Nurse Assistance Program (KNAP) and successfully complete the KNAP Program. Respondent also agreed to complete quarterly reports. Respondent failed to complete any of the terms of the Initial Agreed Order. The Board filed a Motion to Show Cause on 10/16/2014. The matter is set for hearing on January 20, 2015 at 9:00 am. Respondent now admits that she has failed to meet any of the terms of the Initial Agreed Order.

(e) The respondent sent an email to the board stating her wish to surrender her license.

### CONCLUSIONS OF LAW

3. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

4. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

Count 2: 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. 60-3-110(s);

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to comply with any disciplinary order of the board; K.A.R. 60-3-110(r).

### POLICY STATEMENT

5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

### DISPOSITION

6. Based upon this Initial Agreed Order to Surrender and Revoke (Agreement), the parties agree that Respondent is surrendering licensee's license to practice nursing in the state of Kansas.

7. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Respondent's license to practice nursing in Kansas is immediately revoked. Respondent shall not practice nursing in the state of Kansas.

8. Respondent shall pay fees in the amount of \$70.00.

9. Upon signing this agreement and returning it to the Board, licensee shall return Respondent 's license card with the agreement.

10. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document shall be kept in the Board's agency file. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Initial Agreed Order to Surrender and Revoke is the date shown on the certificate of service.

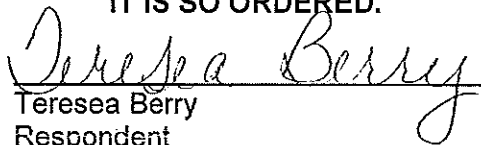
11. If Respondent does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, Respondent has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of Respondent's license, the Respondent will have the opportunity at that time to prove Respondent's fitness to practice nursing in Kansas.

12. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

13. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE.

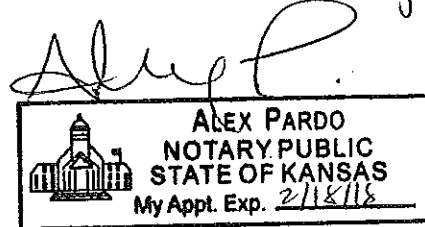
IT IS SO ORDERED.

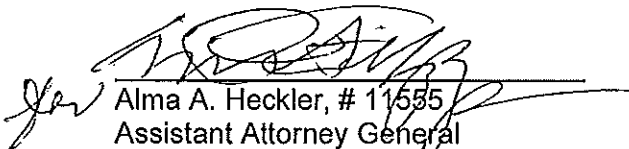


Teresea Berry  
Respondent  
1001 E. MacArthur, Lot 335  
Wichita, Kansas 67216

Teresea Berry must sign before a Notary Public.

State of Kansas, County of Sedgwick.





Alma A. Heckler, # 11535  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612



Sandra Sharon, Presiding Officer

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed with 15 days from the date this initial order was served. Failure to timely request a reconsideration by the Kansas State Board of Nursing may preclude further judicial review. The petition for reconsideration 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.

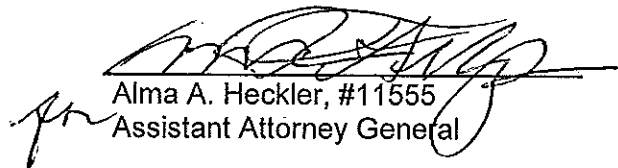
Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

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

CERTIFICATE OF SERVICE

On the 23<sup>rd</sup> day of January, 2015, I mailed a copy of this INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE to:

Teresea Berry  
1001 E. MacArthur, Lot 335  
Wichita, Kansas 67216

  
Alma A. Heckler, #11555  
Assistant Attorney General