BEFORE THE KANSAS STATE BOARD OF NURSING

KSBN

IN THE MATTER OF

Case No.

14-405-4

Margaret L. Cravens

License No. (Reinstatement) 13-79046-102

OAH No.

14BN0139

INITIAL ORDER

Now on this 22nd day of July 2014, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing (Board). Sandra L. Sharon was duly appointed Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Margaret L. Cravens, appears in person.

Findings of Fact

- 1. The Respondent was licensed as a Registered Nurse in the State of Kansas in 1997.
- 2. In 2006 the Respondent was diagnosed with alcohol dependency and she entered into the Kansas Nurse Assistance Program (KNAP).
- 3. On or about October 2, 2006, the Respondent was selected for a random urinary drug screen. She tested positive for alcohol.
- 4. On June 4, 2007, the Respondent entered into a diversion agreement with the Board. In the agreement the Respondent admitted to being unable to practice nursing with skill and safety due to current abuse of drugs and alcohol; failing to complete the requirements of the Impaired Provider Program of the Board; and submitting a false record to the Board.
- 5. In 1985 the Respondent was convicted of misdemeanor shoplifting. This information was not reported on her applications for a license for nursing in 2002, 2004, and 2006.
- 6. In the Diversion Agreement the Respondent agreed to reenter the Kansas Nurse Assistance Program, complete two hours of Certified Nurse Education on the Kansas Nurse Practice Act and six hours of anger management.
- 7. The Respondent reentered KNAP in March 2008. Her KNAP case was again closed as unsuccessful July 28, 2009. When the Respondent left KNAP she had an outstanding balance. As of the date the hearing the balance was \$1285. Certificates for completion of the continuing education were not received by the Board.
- 8. On February 22, the Respondent filed a reinstatement application for a license to practice nursing in the State of Kansas.

- 9. The Board petitions to deny the Respondent's reinstatement application. The basis of the denial is that the Respondent has not shown sufficient rehabilitation.
- 10. The Respondent was issued a probationary license to practice nursing in the State of Missouri. That license was revoked by the State of Missouri on December 8, 2009.

Conclusions of Law

- 1. It is a violation of the Kansas Nurse Practice Act to be unable to practice nursing with skill and safety due to current abuse of drugs or alcohol. K.S.A. 65-1120(a)(4).
- 2. It is a violation of the Kansas Nurse Practice Act to have a license to practice nursing denied, revoked, limited or suspended by any licensing agency another State. K.S.A. 65-1120(a)(8).
- 3. It is a violation of the Kansas Nurse Practice Act to have engaged in unprofessional conduct by failing to complete the requirements of the Impaired Provider Program. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(s).
- 4. When an individual has had a license revoked due to a disciplinary finding, the individual must show sufficient rehabilitation in order to be reissued a license. The factors that are necessary to show sufficient rehabilitation are outlined in *Vakas v. Kansas State Board of Healing Arts*, 248 K.A.N. 589(1991).

Conclusion

- 1. When the Respondent entered into her Diversion Agreement she stipulated to violations of the Kansas Nurse Practice Act including being unable to practice nursing with skill and safety due to current abuse of drugs and alcohol; failing to complete the Impaired Provider Program of the Board; and submitting a false record to the Board. These are violations of the Kansas Nurse Practice Act as outlined above.
- 2. Further, since the Respondent allowed her Kansas license to practice nursing lapse, she has suffered revocation of her probationary license to practice nursing in the State of Missouri. This is in violation of the Kansas Nurse Practice Act at K.S.A. 65-1120(a)(8).
- 3. When an individual has had her license to practice nursing in the State of Kansas revoked it is up to the individual to show present fitness. *Vakas* outlines what the Respondent must prove in order to show rehabilitation. The Respondent has not met these factors.

Order

1. The Board has shown by a preponderance of the evidence that the Respondent's license to practice nursing should not be reissued.

- 2. The Respondent has failed to show rehabilitation per *Vakas*.
- 3. The Boards petition to deny the Respondent's reinstatement application is affirmed.
- 4. Cost of this action shall be assessed to the Respondent in the amount of \$70.

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, 900 SW Jackson, Suite 1051, 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.

Sandra L. Sharon

Administrative Law Judge/Presiding Officer Office of Administrative Hearings

1020 S. Kansas Ave.

Topeka, KS 66612

Telephone: 785-296-2433

On ______, 2014, I mailed this original document through State Building Mail to:

Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Alma Heckler Assistant Attorney General Disciplinary Counsel for the Kansas State Board of Nursing 900 SW Jackson, LSOB, Ste. 1051 Topeka, KS 66612 Telephone: 785-296-4325

and a copy of this document through first class mail to:

Margaret L. Cravens 2713 20th Street Great Bend, KS 67530

Staff Person

Office of Administrative Hearings