



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 That license was revoked by the State of Missouri on December 8, 2009.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.



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Sandra L. Sharon  
Administrative Law Judge/Presiding Officer  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, KS 66612  
Telephone: 785-296-2433

CERTIFICATE OF SERVICE

On August 19, 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 20<sup>th</sup> Street  
Great Bend, KS 67530

  
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Staff Person  
Office of Administrative Hearings