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BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF

Case No. 06 428 5

08 934 6

Sandra S. Hotchkin

OAH No. 10BN0009

License No. 13 081391 012

INITIAL ORDER

Now on this 29th day of October 2009, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon, 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, Sandra S. Hotchkin, appears in person.

Findings of Fact

1. In May 2006, while the respondent was employed by the Wichita Specialty Hospital she was believed to be impaired while on duty and relieved of her shift assignment. The respondent did not return back to this employment.
2. In August 2008, the respondent was employed at the Good Samaritan-Winfield Nursing Facility as a charge nurse. The respondent was on duty during the weekend of August 30 and 31.
3. During this weekend, the respondent's behavior was suspect. She was assigned to complete a physical assessment on a new resident and failed to complete the assessment. The assessment form is four pages long. The respondent completed approximately one third of the first page of the assessment. What was written by the respondent is not legible. Basically, the writing is mostly scribbles. The respondent was also assigned to perform a pain assessment on a resident. She failed to do this entirely.
4. Further, during the weekend, the respondent failed to conduct wound care treatments as necessary and vital checks. There was no nursing documentation completed over the weekend.
5. A resident had fallen and hit his head, no neuro checks were initiated and no documentation was made.
6. Also, the respondent was found asleep by a family member of a resident during this weekend.

7. On the way home from work on August 31, 2008, the respondent was arrested for a DUI. A urinalysis at the time indicated the respondent had codeine, butabital, and Benadryl in her system.
8. The respondent was referred to the [REDACTED] by the Board. She failed to comply with this referral. As a result, the Board has taken action to revoke the respondent's license to practice nursing in the State of Kansas.

Conclusions of Law

1. The Board has the authority to deny, revoke, limit, or suspend any license to practice nursing if the licensee is unable to practice nursing with skill and safety due to current use of drugs or alcohol. Kansas Statutes Annotated (K.S.A.) 65-1120(a)(4).
2. Further, the Board can deny, revoke, limit, or suspend any license to practice nursing in the State of Kansas when the licensee has demonstrated professional incompetency by one or more instances involving failure to adhere to applicable standards of care to a degree which constitutes gross negligence. K.S.A. 65-1120(e)(1).
3. The Board may deny, revoke, limit, or suspend any license to practice nursing in the State of Kansas when the licensee is guilty of unprofessional conduct by failing to take appropriate action or to follow policies and procedures in the practice setting designed to safeguard each patient. K.S.A. 65-1120(a)(c) and Kansas Administrative Regulation (K.A.R.) 60-3-110(c).

Discussion

1. The respondent's behavior and inability to perform her nursing duties the weekend of August 30 and 31, 2008 and that her arrest for a DUI while driving from work on August 31, violates the Kansas Nurse Act by demonstrating the inability to practice nursing with skill and safety due to abuse of drugs or alcohol. Pursuant to the drug screen conducted by the Kansas Bureau of Investigation (KBI), the respondent had codeine, butabital, and Benadryl in her system. The respondent has violated K.S.A. 65-1120(a)(4).
2. By failing to perform neuro checks on a resident who had fallen and hit his head the respondent has violated the Kansas Nurse Practice Act by failing to adhere to applicable standards of care to a degree which constitutes gross neglect. K.S.A. 65-1120(a)(3).
3. The respondent's failure to adhere to the applicable standard of care amounts to unprofessional conduct by failing to take appropriate action to safeguard each

patient. The respondent has violated the Kansas Nurse Practice Act and K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(c).

4. By failing to enroll in KNAP as required by the Board, the respondent has acted unprofessionally and has violated the Kansas Nurse Practice Act. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(f).

Conclusion

1. The respondent is hereby ordered to enroll in the Kansas Nurse Practice Act and provide proof of such within 30 days of the date of this order. If the respondent fails to enroll in the Kansas Nurse Practice Act, she shall surrender her license to the Board on the 31st day after the date of this order.
2. If the respondent enrolls in KNAP, her license to practice nursing shall be suspended but such suspension shall be stayed until completion of KNAP.
3. The following restrictions shall apply to the respondent's practice of nursing in the State of Kansas. She shall practice in a facility only when there is another nurse supervisor in the building. The respondent shall not accept employment in a nursing facility or a home health care agency. The respondent shall cause her employer to submit quarterly reports of her job performance to the Board. If the respondent is not employed, she shall submit quarterly reports to the Board reporting her unemployed status to the Board.
4. The 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 Dec 1, 2009, I mailed a copy of this document to:

Sandra S. Hotchkin
110 E. Grant
Mayfield, KS 67103

Mary Blubaugh, Executive Director
Alma A. Heckler, Assistant Attorney General
Kansas State Board of Nursing
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Topeka, KS 66612


Staff Person
Office of Administrative Hearings