

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

JAN 5 2012

**IN THE MATTER OF
JESSICA R. CLARK
License No. 13-93278-061**

KSBN

Case No. 11-926-8

SUMMARY ORDER

Now this 5th day of January, 2012, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the registered nurse license of Jessica R. Clark (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Licensee is currently licensed to practice nursing as a registered nurse until 6/30/2013 in the state of Kansas.
- (b) Licensee's address of record is 1625 Kenwood Drive, Lawrence, KS 66044.
- (c) On or about May 11, 2011 the Board received notice that the Kansas Nurse Assistance Program (KNAP) closed the Licensee's file and that the Licensee is not safe to practice nursing.
- (d) Review of the Licensee's history and other information gathered by the Board revealed the following information upon which this action is based.
- (e) Licensee entered KNAP on or about 7/9/2010. Licensee was referred by her employer. Licensee admitted she started using Lortab for back pain. Licensee admitted that when she ran out of the medication she started faxing in prescriptions on her own to a pharmacy. When confronted by her employer she was taking fifteen (15) tabs of Lortab per day.
- (f) Licensee entered inpatient treatment on 6/16/2010 and outpatient treatment on 7/2/2010 after successful discharge from inpatient treatment. Licensee was discharged from outpatient treatment prior to completion of the treatment in April 2011.
- (g) On May 11, 2011 KNAP closed the Licensee's case file due to her failure to complete and document attendance of 12 step meetings, Licensee missed monthly monitoring meetings, Licensee failed to call in for random drug screens and Licensee missed a scheduled UA on 4/29/2011.

CONCLUSIONS OF LAW

2. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse

practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the Licensee violated the following provisions of the Nurse Practice Act:

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

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

(c) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.

4. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.

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

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. Licensee's license to practice nursing in the state of Kansas is revoked.

Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing.

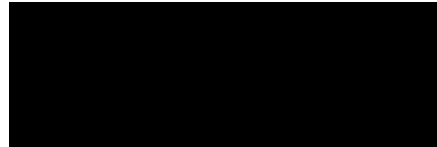
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 5th day of January 2011, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Jessica R. Clark
1625 Kenwood Drive
Lawrence, KS 66044



Alma A. Heckler, #11555
Assistant Attorney General