

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

SEP 30 2013

KSBN

**IN THE MATTER OF SARAH MARIE BLEVINS AKA SARAH MARIE SIMONIN**

**License No. 13-96217-102**

**Case No. 12-1574-0**

**SUMMARY ORDER**

NOW ON THIS 30<sup>th</sup> day of September, 2013, 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 proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 5000 NW 92<sup>nd</sup> Terrace Kansas City, Missouri 64154.
3. 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.
4. Review of the information gathered by the Board revealed the following upon which this action is based.
  - (a) Licensee self referred to KNAP due to narcotics diversion in December 2010 and signed a three (3) year contract with KNAP
  - (b) While in KNAP, licensee had positive UDS for Tramadol on the 22<sup>nd</sup> day of December 2011.
  - (c) KNAP treated this as a relapse, and a new completion date was determined extending her contract.
  - (d) Licensee was to stay in KNAP program and be compliant.

- (e) Online RN renewal answered "yes" to question regarding discipline and misdemeanor and pending action against a license.
- (f) Licensee had a second non compliance for failure to provide a UDS.
- (g) KNAP case closed due to third non compliance for displaying questionable behavior and inability to provide quantity sufficient urine for a UDS on the 4<sup>th</sup> day of September , 2012 and her pants were wet on the back.
- (h) Licensee refused to stay and resubmit another UDS. This was considered a no show.
- (i) Due to relapse, licensee went to detox and she was not forthcoming with the reason..
- (j) Failure to provide UDS on the 18<sup>th</sup> of April, 2013. She checked in but did not test.
- (k) Failed to provide documentaiton to KNAP of 12 Step Meetings.
- (l) Letter to licensee from KNAP stating that licensee's doctor would not give a safe to practice due to her continued use of narcotics on the 6<sup>th</sup> day of August, 2013.

5. This licensee violate the Nurse Practice Act by unprofessional conduct by fraud and deceit in practicing nursing.

#### CONCLUSIONS OF LAW

1. K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;
2. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
3. K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).
4. K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.
- 5 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 authorization, if the licensee, licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

6. The above fact findings established evidence that the licensee violated the following provisions of the Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion  
K.A.R. 60-3-110(n) in past conduct;

Count 2: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 3 K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program  
KAR 60-3-110(s).

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

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

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

#### **POLICY STATEMENT**

1. Truthfulness is a hallmark of the nursing profession and is required to ensure accurate communication of all nursing actions.

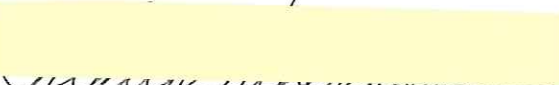
2. Trust is imperative in the nursing profession and diversion of drugs and use of drugs impairing the nurse's performance is damaging to the nursing profession.

**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 suspended for six (6) month period.
2. Licensee to stay in KNAP during this time and stay compliant.
3. After suspension, the Board will review licensee's performance in KNAP to determine if additional action is needed.

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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**

On the 30<sup>th</sup> day of September, 2013, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Sarah Marie Blevins  
5000 NW 92<sup>nd</sup> Terrace  
Kansas City, MO 64154

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General