

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

JUL 28 2016

KSBN

**IN THE MATTER OF  
CAROLINE M. PRAVECEK  
a/k/a CARRI PRAVECEK**

**OAH No. 16BN0098**

**License No. 13-97210-051/Reinstatement  
Case No. 14-1913-8/Reinstatement**

**NOTICE OF PROPOSED DEFAULT ORDER  
AND  
PROPOSED DEFAULT ORDER**

This matter comes on for consideration by the presiding Administrative Law Judge (ALJ) to enter a Proposed Default Order against respondent, Caroline M. Pravecek. Wherefore, the presiding ALJ finds as follows:

1. The respondent allowed her license as a registered nurse to lapse on or about May 31, 2015. She filed an application for reinstatement on December 2, 2015.
2. The Petitioner, the Kansas State Board of Nursing Board (Board), has jurisdiction over the respondent and the subject matter of this action.
3. On June 2, 2016, a Petition was filed by the Board seeking denial of the respondent's application for reinstatement. It was sent to her at her last known address and was not returned as undeliverable.
4. On May 26, 2016, Notice of a Prehearing Conference was sent to the respondent. The conference was scheduled for July 26, 2016 at 9:00 a.m. The notice was not returned as undeliverable.
5. On July 26, 2016, a prehearing conference was convened. The Board appeared by disciplinary counsel, Bryce D. Benedict. The respondent did not appear in person or by phone.

6. Pursuant to Kansas Statutes Annotated (K.S.A.) 77-520(a), “[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order.”
7. The respondent is in default pursuant to K.S.A. 77-520.
8. This Proposed Default Order shall become effective and deemed an initial order, seven days after service or ten days after mailing of this order unless the respondent files a written motion stating why the Proposed Default Order should be vacated and the order is then vacated. A motion to vacate shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka KS 66612-1230, with a copy to be mailed or personally delivered to: Sandra L. Sharon, Administrative Law Judge, Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, KS 66612-1327.
9. If this Proposed Default Order becomes effective, the allegations contained in the Petition will be deemed uncontroverted and the Petition will be granted and incorporated into this order as if fully set forth herein. The respondent’s license to practice nursing will be revoked. The respondent will immediately forward his or her original Kansas nursing license to the Board.
10. In addition, costs of the action in the amount of \$100.00 will be assessed to the respondent to be paid to the Board by cashier’s check or money order within 30 days of the effective date of this order.

The presiding ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the respondent. It shall take effect as specified in the above findings.

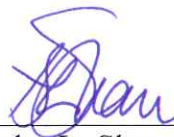
**IT IS SO ORDERED.**

### Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-520, if the proposed default order becomes effective, it is deemed an initial order, as set forth above. Pursuant to K.S.A. 77-527, either party may request review of the initial order by filing a petition for review with the Kansas State Board of Nursing within 15 days from date the order is deemed an initial order. Failure to timely request review may preclude further judicial review. Petitions for review shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka, KS 66612-1230.

If neither party requests review, the initial order becomes a final order and is binding on the 30th day following its mailing.

A party may seek judicial review of a final order by filing a petition for judicial review pursuant to K.S.A. 77-601, *et seq.* Reconsideration of a final order is not a prerequisite to judicial review. A copy of any petition for judicial review shall be served on Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.



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Sandra L. Sharon  
Administrative Law Judge  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, KS 66612-1327

CERTIFICATE OF SERVICE

On July 27, 2016, 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:

Bryce D. Benedict  
Assistant Attorney General  
Disciplinary Counsel for the Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-2512

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

Caroline Pravecek  
316 N. Carver Drive  
Lawrence, KS 66049



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Staff Person  
Office of Administrative Hearings

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

**FILED**  
**JUN 01 2016**  
**KSBN**

**IN THE MATTER OF**  
**Caroline M. Pravecek a/k/a Carri Pravecek**

**OAH no. 16BN0098**

**License No. 13-97210-051/Reinstatement**  
**Case No. 14-1913-8/Reinstatement**

**AMENDED**  
**PETITION**

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Bryce D. Benedict, and for its cause of action states that:

1. Respondent, Caroline Pravecek, allowed her license as a registered nurse to lapse on or about May 31, 2015. She filed an application for reinstatement on December 2, 2015. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 316 N. Carver Drive, Lawrence KS 66049.
3. Any person who fails to secure a renewal license within the time specified may secure a reinstatement of such lapsed license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board. K.S.A. 65-1117(b).
4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent is neither competent nor qualified to practice, and referred this matter for further proceedings.
5. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew licenses for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure

and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

### STATEMENT OF FACTS

6. The facts below are common to all counts:
  - (a) On August 27, 2014 the Respondent was employed as a nurse at Lawrence Memorial Hospital.
  - (b) The Respondent alleges that she attempted suicide on August 27, 2014 by means of overdosing on Dilaudid she had stolen from her employer, and that she had been stealing Dilaudid from her employer for several months preceding for that purpose.
  - (c) The record fails to disclose that the Respondent did attempt suicide, however she was arrested on August 27, 2014 and was found in possession of 38 vials of different controlled medications, and 21 tablets of methylprednisone, none of for which she had a prescription. She eventually entered a plea on May 21, 2015 to one felony count of possession of hydromorphone in the district court of Douglas county, Kansas.
  - (d) The Respondent signed a contract with KNAP on November 13, 2014.
  - (e) On December 15, 2014 the Respondent wrote to KNAP, stating she would not participate in the impaired provider program, that she was "rather relieved to no longer work as a nurse," referencing "the toxic environment that we call nursing."
  - (f) KNAP closed its file on or about December 22, 2014 because the Respondent had failed to comply with the requirements of the impaired provider program , e.g. she failed to provide documentation of 12-step meetings, and she had not checked in with Affinity on multiple occasions.
  - (g) The Respondent now blames her past behavior on being a victim of domestic violence, but to a mental health provider who conducted an intake on June 11, 2014 there was no mention of domestic violence, stating to the contrary that she had "a

supportive partner” of 1½ years duration. To the KNAP evaluator on October 23, 2014 the Respondent did not allege there was any domestic abuse, instead laying all of her legal troubles only upon her taking Dilaudid from her employer. She did not blame her legal troubles on having also stolen Fentanyl, morphine, methylprednisone, lidocaine, lorazepam, ondansetron , or ketorolac tromethamine from her employer. In writings submitted to KNAP on or about November 13, 2014 the Respondent did not attribute any behavior to having been a victim of domestic violence, and she stated she took Dilaudid in an effort to commit suicide as “I knew a small amount could kill me painlessly;” she did not explain the necessity to steal so many other medications from her employer, or multiple doses of Dilaudid (law enforcement recovered 13 vials of hydromorphone).

- (h) The Respondent admitted at her mental health intake on June 11, 2014 that she smokes marijuana occasionally, and she admitted to the KNAP evaluator on October 23, 2014 that she had recently smoked marijuana. The Respondent, in applying for reinstatement, denied she was a drug abuser, stated she only drinks alcohol 2 or three times a year, but omitted any mention of any marijuana usage.
- (i) The Respondent denies that she has a drug problem.
- (j) The KNAP evaluator on October 23, 2014 determined that the Respondent needed a Level I outpatient treatment program, that she was not safe to practice nursing until she had demonstrated compliance with the KNAP program and until her treatment provider also stated the Respondent was safe to practice.

#### **STATEMENT OF VIOLATIONS**

7. The petitioner alleges the above facts are violations of the Kansas Nurse Practice Act and support a finding that the respondent should not be reinstated:

- (a) Count 1: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

(b) Count 2: K.S.A. 65-1120(a)(2), to have been guilty of a felony.

(c) Count 3: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

(d) Count 4: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to complete the requirements of the impaired provider program of the Board.

(d) Count 5: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: diverting drugs, supplies, or property of any patient or agency.

WHEREFORE, petitioner requests a finding that the respondent has failed to furnish proof that she is competent and qualified to act as a nurse, that respondent's application for reinstatement be denied, and that costs of this action be assessed to the respondent.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By: 

Bryce D. Benedict, #11663  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612  
*bryce.benedict@ksbn.state.ks.us*

CERTIFICATE OF SERVICE

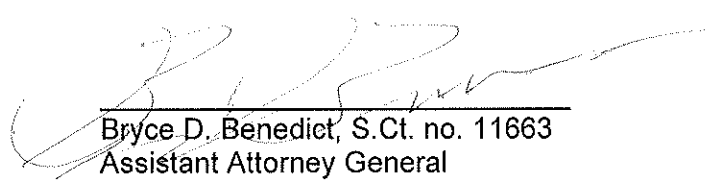
On the 15<sup>th</sup> day of June, 2016, I mailed a copy of the above Amended Petition to:

Caroline Pravecek  
316 N. Carver Drive  
Lawrence KS 66049

and a copy through building mail to:



Sandra L. Sharon  
Administrative Law Judge  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, Kansas 66612-1327



Bryce D. Benedict, S.Ct. no. 11663  
Assistant Attorney General

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**DEC 18 2015**

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Derek Schmidt  
Kansas Attorney General

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