

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED #931  
FEB 18 2013 P-6

**IN THE MATTER OF TAMARA KAYE SANDOVAL**

KSBN

**License No. APPLICANT**

**Case No. 12-255-0**

**SUMMARY ORDER**

NOW ON THIS 18<sup>th</sup> day of February, 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 renewal application of Applicant by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Applicant submitted a Reinstatement application to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant's address of record is 4007 SW Homestead Drive, Lee's Summit, MO 64082.
3. On or about 29th day of February, 2012, the Board received Applicant's reinstatement application to practice nursing in the State of Kansas.
4. Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
5. Applicant answered "no" to the question asking if any license has ever been disciplined.
6. According to the National Nursing Data Base, you were denied a license in November 2008 by the Missouri Board of Nursing.
7. On October 30<sup>th</sup>, 2012, as part of your reinstatement application, the Kansas State Board of Nursing referred you to Kansas Nurses Assistance Program (KNAP) for a chemical dependency evaluation with subsequent monitoring, if recommended.

8. On the 19<sup>th</sup> day of December, 2012, your case with KNAP was closed as you had notified KNAP that you did not want to participate in the program. Your KNAP file was closed as uncooperative.

#### CONCLUSIONS OF LAW

1. K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended ... by a licensing authority of another state.
2. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
3. K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.
4. K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.
5. 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).
6. The above fact findings established evidence that the applicant violated the following provisions of the Nurse Practice Act:
  - a. K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations.
  - b. K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended ... by a licensing authority of another state.
  - c. K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abse of drugs or alcohol.
  - d. K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act.

- e. K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.
  - f. 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).
7. Applicant's conduct described herein violated the Kansas Nurse Practice Act and renders the applicant non-qualified for reinstatement of her license.
  8. 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.
  9. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

#### POLICY STATEMENT

1. The Board of Nursing is concerned for the safety and quality of nursing care provided to the citizens of the State of Kansas and any drug related incidents causes concern.
2. The Kansas Nurse Assistant Program in meant to assure the board of a nurse's fitness and ability to practice safely which is of great importance to the board and the public at large.
3. When non cooperative with the Kansas Nurse Assistance Program, the Board is unable to verify that this applicant is safe to practice nursing in the state of Kansas.

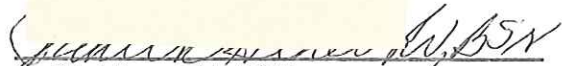
#### **IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**

1. **Applicant's reinstatement application to practice nursing in the state of Kansas is denied.**

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

Tamara Kaye Sandoval  
4007 SW Homestead Drive  
Lee's Summit, MO 64082

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General