

Filed

DEC 16 2002

Board of Nursing

**BEFORE THE KANSAS STATE BOARD OF NURSING**  
Landon State Office Building, 900 S.W. Jackson 551S  
Topeka, Kansas 66612-1230

In The Matter Of  
**CHERYL K. WOODS**  
License no. 14-044114-021

**CASE NO. 93-0030-5**

**MOTION TO LIFT STAY OF SUSPENSION AND REVOKE LICENSE**

**NOW ON THIS**, 16<sup>TH</sup> day of December 2002, petitioner appears by disciplinary counsel, Alma A. Heckler, and requests that the Hearing Officer lift the stay of suspension and revoke the respondent's license for her failure to comply with the terms of the order of February 12, 2002:

1. Respondent was ordered to enroll in the Kansas Nurses Assistance Program (KNAP) and comply with its' terms and requirements.
2. The board has received notice that the KNAP program has closed the respondent's case due to her failure to return the statement of understanding.
3. Respondent had a further incident of unauthorized use of medication and did not have a prescription for the medication and the KNAP committee required her to enroll in treatment and complete the full program at KNAP.
4. The respondent, prior, to this new incident, was in the extended evaluation program.
5. The respondent indicated to KNAP that she will not enroll in the full program and wants a hearing on her non-compliance.
6. Respondent's license lapsed in February, 1995.
7. This case originally opened because she was found in possession of cocaine at her place of employment. Her employer attempted to enroll her in it's EAP but she failed to keep her appointments and quit her job on December 8, 1992, stating she would be seeking private treatment. She was actually convicted of possession of drug paraphernalia after plea

negotiations, in 1993. A bench warrant was issued on 3/21/94 for failure to pay fees and costs and she had a positive UDS on March 21, 1994 for cocaine. She was convicted in 1994 of forgery and served five (5) months in prison. While on post-release supervision she was referred to the Kansas Nurses Assistance Program. She could not follow through because she was in jail. She submitted reinstatement applications in 1995 and 1999. She failed to submit thirty (30) hours of CNE in 1995 and her 90 (ninety) day temporary permit, expired on March 13, 1996. On her 1999 application, she failed to mention her 1993 conviction and asked for a temporary permit so that she could complete her CNE. The temporary permit was not given and she did not submit the necessary CNE. Respondent filed another reinstatement request on November 28, 2001. Respondent submitted twenty four (24) hours of CNE with the application. Respondent did not submit any evidence of drug rehabilitation.

8. At hearing the petitioner submitted the following exhibits; Respondent's reinstatement application dated November 28, 2001 and 24 hours of CNE completed by the respondent.

9. After hearing the evidence and having an opportunity to review the parties exhibits, the hearing officer makes the following orders; "the respondent's reapplication for a license shall be granted and the license is suspended but the suspension is stayed and the respondent will be allowed to practice with a limited license, but only so long as she meets the following terms and conditions:

- a. Within 14 days respondent must enroll in KNAP and she shall participate in and complete all recommendations and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report information to the board. The revocation of any release will be a breach of this order.
- b. Immediately pay any and all licensing fees due and owing.
- c. Pay costs of \$70.00 to the board for the costs of this action, within thirty (30) days.
- d. While participating in KNAP, respondent shall not violate the Kansas Nurse Practice Act.

- e. Respondent is responsible for the costs related to satisfying these conditions.
- f. Respondent must abstain from the use of all alcohol, prescription drugs, and controlled substances except as prescribed for her, for a legitimate purpose, by a licensed medical provider from whom respondent seeks medical attention. Respondent shall inform all providers, who authorize prescriptions for narcotics, habit forming substances, psychotropic medicines, or other mood altering drugs, or other pain relief drugs, of this order. Respondent shall cause all such providers to submit written reports within 10 days of each prescription to the Board. The written reports shall identify the medication prescribed the reason for the prescription, the dosage, the date of prescription and the number of refills authorized.
- g. Respondent shall immediately inform all employers, prospective employers, and the director of any nursing education program in which the respondent enrolls or teaches of the contents of this order. Within 14 days of this order being filed and within 14 days of any change of nursing employment Respondent shall cause respondent's nursing employer to notify the Board in writing of the employer's receipt of copies of this order. Respondent shall also cause her employers to provide quarterly reports for the period of respondent's licensure. The reports shall be prepared by respondent's immediate supervisor or by an R.N., who evaluates performance on a regular basis. Such reports shall include information regarding performance and documentation. Respondent's employer may submit copies of employee evaluations conducted during a quarter in lieu of a report for that quarter. These reports or evaluations shall be sent by the employer or person conducting the evaluation to the attention of the Board's Practice specialist, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 551-S, Topeka, Kansas, 66612-1230.
- h. Respondent shall notify the Board's Practice Specialist of any changes in her name, address and phone number. All notifications shall be made within fourteen (14) days of such a change.
- i. Respondent shall immediately notify the board of any use of alcohol, habit forming substances, or controlled substances, or any other violation of this order...."

### COUNTS

The respondent has violated the conditions outlined in the order of February 12, 2002 as follows:

- a. The respondent failed to report the unauthorized use of medication without a prescription reported by KNAP to the board and therefore, violated paragraph "i" of the order and further violated, section (r) of K.A.R. 60-3-110 – failing to comply with any disciplinary order of the board;

b. The respondent failed to have her employer submit quarterly evaluations of her work performance as required by paragraph "g" of the order;

c. The respondent failed to complete the requirements of the impaired provider program of the board (KNAP) as she was ordered and as required by section (s) of K.A.R. 60-3-110.

d. The respondent is currently, unable to practice with skill and safety due to current abuse of drugs or alcohol – K.S.A 65-1120(4).

Therefore, the board requests that the Hearing Officer find that the respondent has violated the conditions of the February 12, 2002 order and has further violated provisions the Kansas Nurse Practice Act and that her stay of suspension should be lifted and her license suspended or revoked. Furthermore, that the respondent pay the costs of this action, \$70.00 and that she pay the costs due and owing KNAP.

Respectfully submitted;



Alma A. Heckler, #11555  
Assistant Attorney General  
900 S.W. Jackson, Suite #551-S  
Topeka, Kansas 66612-1230  
785/296-

#### **CERTIFICATE OF SERVICE**

On the 16<sup>th</sup> day of December, 2002 I caused a copy of this order to be deposited in the United States Mail, postage prepaid, addressed to Cheryl Woods at 550 Laclede St. Apt. 13, Wichita, KS 67213.

  
Alma A. Heckler

Filed

FEB 20 2002

**BEFORE THE KANSAS STATE BOARD OF NURSING**

Board of Nursing

Landon State Office Building, 900 S.W. Jackson 551S  
Topeka, Kansas 66612-1230

In The Matter Of

**CHERYL K. WOODS**

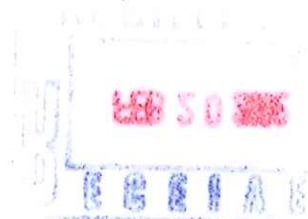
License no. 13-065259-061

**CASE NO. 93-0030-5**

**ORDER REINSTATING LICENSE**

**NOW ON THIS**, 12 th day of February, 2002, petitioner appears by disciplinary counsel, Alma A. Heckler, and respondent appears *pro se*.

Respondent's license lapsed in February, 1995. This case originally opened because she was found in possession of cocaine at her place of employment. Her employer attempted to enroll her in it's EAP but she failed to keep her appointments and quit her job on December 8, 1992, stating she would be seeking private treatment. She was actually convicted of possession of drug paraphernalia after plea negotiations, in 1993. A bench warrant was issued on 3/21/94 for failure to pay fees and costs and she had a positive UDS on March 21, 1994 for cocaine. She was convicted in 1994 of forgery and served five (5) months in prison. While on post-release supervision she was referred to the Kansas Nurses Assistance Program. She could not follow through because she was in jail. She submitted reinstatement applications in 1995 and 1999. She failed to submit thirty (30) hours of CNE in 1995 and the 90 day temporary permit she was given , expired on March 13, 1996. In 1999, she failed to mention her 1993 conviction and asked for a temporary permit so that she could complete her CNE. The temporary permit was not given and she did not submit the necessary CNE. Respondent filed another reinstatement request on November 28,



2001. Respondent submitted twenty four (24) hours of CNE with the application.

Respondent did not submit any evidence of drug rehabilitation.

### HEARING

At hearing the petitioner submitted the following exhibits;

1. Respondent's reinstatement application dated November 28, 2001. Attached to the application are 24 hours of CNE completed by the respondent.

### DISPOSITION

After hearing the evidence and having an opportunity to review the parties exhibits, the hearing officer makes the following orders:

The respondent's reapplication for a license shall be granted and the license is suspended but the suspension is stayed and the respondent will be allowed to practice with a limited license, but only so long as she meets the following terms and conditions:

- a. Within 14 days respondent must enroll in KNAP and she shall participate in and complete all recommendations and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report information to the board. The revocation of any release will be a breach of this order.
- b. Immediately pay any and all licensing fees due and owing.
- c. Pay costs of \$70.00 to the board for the costs of this action, within thirty (30) days.
- d. While participating in KNAP, respondent shall not violate the Kansas Nurse Practice Act.
- e. Respondent is responsible for the costs related to satisfying these conditions.
- f. Respondent must abstain from the use of all alcohol, prescription drugs, and controlled substances except as prescribed for her, for a legitimate purpose, by a licensed medical provider from whom respondent seeks medical attention. Respondent shall inform all providers, who authorize prescriptions for narcotics, habit forming substances, psychotropic medicines, or other mood altering drugs,

- or other pain relief drugs, of this order. Respondent shall cause all such providers to submit written reports within 10 days of each prescription to the Board. The written reports shall identify the medication prescribed the reason for the prescription, the dosage, the date of prescription and the number of refills authorized.
- g. Respondent shall immediately inform all employers, prospective employers, and the director of any nursing education program in which the respondent enrolls or teaches of the contents of this order. Within 14 days of this order being filed and within 14 days of any change of nursing employment Respondent shall cause respondent's nursing employer to notify the Board in writing of the employer's receipt of copies of this order. Respondent shall also cause her employers to provide quarterly reports for the period of respondent's licensure. The reports shall be prepared by respondent's immediate supervisor or by an R.N., who evaluates performance on a regular basis. Such reports shall include information regarding performance and documentation. Respondent's employer may submit copies of employee evaluations conducted during a quarter in lieu of a report for that quarter. These reports or evaluations shall be sent by the employer or person conducting the evaluation to the attention of the Board's Practice specialist, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 551-S, Topeka, Kansas, 66612-1230.
  - h. Respondent shall notify the Board's Practice Specialist of any changes in her name, address and phone number. All notifications shall be made within fourteen (14) days of such a change.
  - i. Respondent shall immediately notify the board of any use of alcohol, habit forming substances, or controlled substances, or any other violation of this order.
  - j. The Board will send respondent a new license card which shall be issued with an "S" and an "L" placed in the status code portion of the license card to indicate that action has been taken against her license.
  - k. Respondent shall not, under any circumstances, misrepresent her licensure status.
  - l. Respondent shall not seek or accept employment with a nursing registry, a temporary nursing service or agency, a home health care service or agency, or as a private duty nurse without the prior written consent of the Board.
  - m. Respondent shall not handle or administer narcotics, psychotropic medications, or other mood altering drugs. Respondent shall not carry keys for, or have access to, storage areas where such substances are stored or kept, nor shall she be involved with retrieval of, or assist in the retrieval, of such substances from the pharmacy, nor shall she participate, directly, indirectly, or as a witness, in the destruction or wasting of such substances. Respondent will not write out or call in any prescriptions for narcotics, psychotropic medications or mood altering drugs.

- n. Respondent shall work only under the supervision of a registered professional nurse in a structured setting. Such supervising registered professional nurse shall, at the time of said supervision, hold an active, unencumbered Kansas nursing license.
- o. Respondent shall not commit any act which would be a crime under federal law, or if it occurred in Kansas, would be a crime under Kansas law. If respondent is charged with such a crime she shall immediately notify the Board in writing of any formal charge(s) against her and also promptly notify the board in writing of the resolution of the charge(s).

**IT IS SO ORDERED.**



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Terry Beck  
Hearing Officer

Prepared by:



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Alma A. Heckler, #11555  
Assistant Attorney General  
900 S.W. Jackson, Suite #551-S  
Topeka, Kansas 66612-1230  
785/296-

**CERTIFICATE OF SERVICE**

On the 20<sup>th</sup> day of February, 2002 I caused a copy of this order to be deposited in the United States Mail, postage prepaid, addressed to Susan Warwick at 329 D. East 12<sup>th</sup>, Newton, Kansas 67114.



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Alma A. Heckler