

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

**IN THE MATTER OF
CAROLE BRANSON
License No. 14-57853-041**

DEC 28 2009

KSNB

Case No. 91-063-7, 93-366-7, 09-510-7

SUMMARY ORDER

Now this 23rd day of December 2009, 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 licensed practical nurse license of Carole Branson (Licensee) 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 as a registered nurse through April 30, 2011.
2. Licensee's address of record is 7904 W 98th Terrace, Overland Park, KS 66212.
3. On or about April 20, 2009, Licensee was hospitalized with a diagnosis of poisoning by benzodiazepine-based tranquilizers.
4. Licensee told the triage nurse that she "just needed to sleep" and took Lorazepam she had taken from the hospice center where she worked.
5. At the time, Licensee was employed by Manor Care of Overland Park in a skilled nursing unit.
6. Nine different prescription medications belonging to six current or former Manor Care residents were found in Licensee's residence.
7. As a result of this incident, the Board referred Licensee to the [REDACTED]
8. On or about November 17, 2009, [REDACTED] closed Licensee's [REDACTED] case due to noncompliance. [REDACTED] reported that Licensee failed to [REDACTED] return signed release of information forms.
9. The Board's case numbers 91-063-7 and 93-366-7 involved discipline in the state of Missouri for drug abuse and diversion.

CONCLUSIONS OF LAW

10. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew license 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, upon making any of the findings listed in K.S.A. 65-1120(a).

11. The Board has jurisdiction over the Licensee and the subject matter of this action.
12. The above fact findings of fact establish that the applicant violated the following provisions of the Nurse Practice Act:
 - a) 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) K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
 - c) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency;
 - d) K.S.A. 65-1120(a)(6), unprofessional conduct, as defined by K.A.R. 30-3-110(s), failing to complete the requirements of the impaired provider program of the board.
13. Licensee's conduct described herein violates the Kansas Nurse Practice Act.
14. 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.
15. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
16. Licensee's license to practice nursing should be revoked.

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.**
2. **Licensee shall not practice nursing in the state of Kansas unless and until reinstated after a sufficient showing of rehabilitation.**

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.



Janet Jacobs
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 28th day of December 2009, the undersigned caused a true and correct copy of the foregoing Summary Order to be served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Carole Branson
7904 W 98th Terr
Overland Park, KS 66212



Brenda J. Clary, #18770
Assistant Attorney General