

Filed

JAN 22 2003

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF THE LICENSE OF
REGINA SUE MILLER
F.K.A. REGINA SUE BENDER
License No. 14-082446-112

CASE NO. 01-049-6

PROPOSED DEFAULT ORDER
SUSPENDING LICENSE

NOW ON THIS 22nd day of January, 2003, petitioner appears by disciplinary counsel, Alma A. Heckler, for a pre-hearing conference on the petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent's R.N. license lapsed on 12/31/02. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order suspending the respondent's license.
4. The petition is hereby granted and incorporated into this order as if set forth herein.
5. Respondent has violated K.S.A. 65-1120(a)(3), professional incompetence, a failure to adhere to the applicable standard of care amounting to gross negligence or a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice nursing, K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, unprofessional conduct - failing to take appropriate action or to follow policies and procedures designed to safeguard the patient, K.S.A. 65-1120(a)(1), fraud or deceit in practicing nursing, and K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to the current abuse of drugs or alcohol.
6. Per petitioner's request, respondent's license to practice nursing is suspended. Respondent may not practice nursing in Kansas and respondent shall return her license card to the board immediately.
7. Costs of the action of \$70.00 are assessed to respondent to be paid to the Board by cash or money order within 30 days of the effective date of this order.
8. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

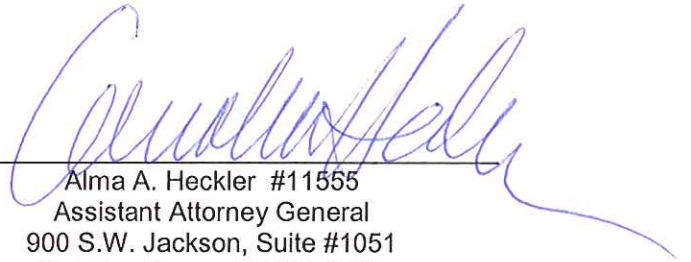
IT IS SO ORDERED.



Terry E. Beck
Hearing Officer

NOTICE

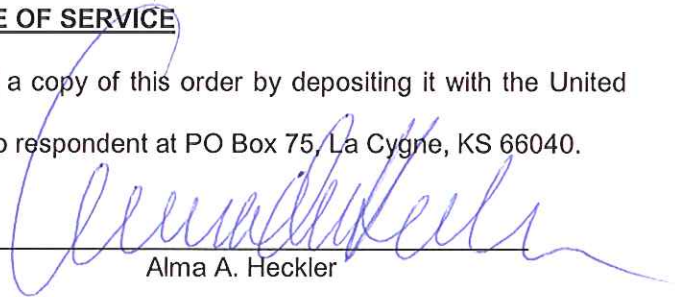
This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the Board within ten days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.



Alma A. Heckler #11555
Assistant Attorney General
900 S.W. Jackson, Suite #1051
Topeka, Kansas 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

On the 22nd day of January, 2003, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to respondent at PO Box 75, La Cygne, KS 66040.



Alma A. Heckler

BEFORE THE KANSAS STATE BOARD OF NURSING

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

Filed

OCT 16 2002

Board of Nursing

IN THE MATTER OF
REGINA SUE MILLER
F/K/A REGINA SUE BENDER
LICENSE NO. 14-82446-122

CASE NO. 01-049-6

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through disciplinary counsel for the board, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed as a registered nurse in Kansas through 12/31/02.
2. For the purpose of service of this pleading, respondent's address of record is P.O. Box 75, La Cygne, Kansas 66040.
3. After an investigation, the board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The board may deny, limit, or suspend a nursing license, may issue a public or private censure and levy fines if a violation of K.S.A. 65-1120 is established.

FACTS COMMON TO ALL COUNTS

On or around 5/8/00, respondent worked as a nurse at a facility in Shawnee Mission, Kansas. Co-workers reported that respondent was shaking, having a difficult time starting an IV, and smelled of alcohol. A breath test revealed an alcohol level of .118 at 11:08 pm and .105 at 11:26 pm. Respondent worked the 3 to 11 pm shift. She told her supervisor that she had two drinks at 2 pm. Respondent enrolled in KNAP but her case was closed in 5/01 for non-compliance with her agreement.

The respondent agreed to the terms of a diversion agreement and signed same on or about the 19th of November, 2001. The pending disciplinary case filed against her was dismissed.

The respondent agreed to participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor licensee and KNAP to report information to the board regarding the respondent's performance in the program.

The respondent was given several opportunities to follow through with the program and she failed to complete an assessment, and the verification process. The respondent was previously enrolled in KNAP in 2001 and failed to follow through with the program at that time.

COUNT I

Respondent has violated K.S.A. 65-1120(a)(3), professional incompetency, a failure to adhere to the applicable standard of care amounting to gross negligence or a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice nursing.

COUNT II

Respondent has violated K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, unprofessional conduct - failing to take appropriate action or to follow policies and procedures designed to safeguard the patient.

COUNT III

Respondent has violated K.S.A. 65-1120(a)(1), fraud or deceit in practicing nursing.

COUNT IV

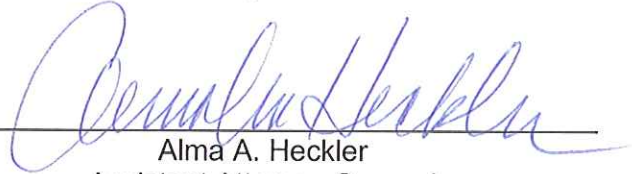
Respondent has violated K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to the current abuse of drugs or alcohol.

WHEREFORE, petitioner requests a finding that respondent violated the nurse practice act, for revocation and/or sanctions against respondent's license, and for the \$70 costs of this action to be assessed to respondent.

Respectfully submitted,

Carla J. Stovall
Attorney General

By: _____



Alma A. Heckler
Assistant Attorney General
Board of Nursing
785-296-4325