

IN THE MATTER OF
Loreen R. Case
License No. 14 084620 061

Case No. 08 330 9
OAH No. 09BN0049

INITIAL ORDER

Now on this 21st day of January 2009, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing (Board). Sandra L. Sharon was appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing, appears through Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Loreen R. Case, appears in person.

FINDINGS OF FACT

1. The Respondent self-referred to the [REDACTED] and signed a contract with [REDACTED] on June 22, 2005.
2. The contract included an agreement from the Respondent that she would take random UA tests, attend twelve-step meetings, and attend monthly monitoring meetings.
3. In August 2007, the Respondent quit attending [REDACTED]
4. Between June 2005 and August 2007, the Respondent had eight positive UAs for prescription drugs.
5. The Respondent had at least three UAs that returned suspicious due to low creatinine levels.
6. In March and April 2008, the Respondent did not regularly call in for her random drug screens. In March 2008, she called in six days. In April 2008, she called in five days.
7. The last UA collected by the Respondent was on March 24, 2008. This tested positive for a prescription drug for which the Respondent did not provide proof of prescription for the substance.
8. On October 24, 2007, the Respondent tested positive for a prescription drug, but did not provide proof of prescription for the substance.
9. On February 27, 2008, the Respondent tested positive for morphine. She did not have a valid prescription for the substance.

10. On August 2, 2007, the Respondent plead no contest and was found guilty of the charge of Pedestrian under the Influence of Alcohol. The incident occurred on June 23, 2007.
11. The Respondent has not attended monthly monitor meetings as agreed.
12. The Respondent has failed to keep current with her [REDACTED] fees. She is delinquent in the amount of \$780.00.

CONCLUSIONS OF LAW

1. The Kansas State Board of Nursing has the authority under the Kansas Statutes Annotated (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 in accordance with K.S.A. 74-1110, if a violation of K.S.A. 65-1120 is established.
2. The Respondent has violated the Kansas Nurse Practice Act as follows:
 - a. Unable to practice with skill and safety due to current abuse of drugs or alcohol in violation of K.S.A. 65-1120(a)(4).
 - b. Is guilty of a felony or misdemeanor involving an illegal drug unless the applicant or licensee has established sufficient rehabilitation to warrant public trust in violation of K.S.A. 65-1120(a)(2).
 - c. Has demonstrated unprofessional conduct by failing to complete the requirements of the impaired provider program of the board in violation of K.S.A. 65-1120(a)(c).

CONCLUSION

The Respondent has violated the Kansas Nurse Practice Act and her agreement to be in compliant with KNAP. The Respondent's license to practice nursing in the state of Kansas is hereby revoked.

The cost of this action shall be assessed to the Respondent in the amount of \$70.00.

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: Mary

Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

OFFICE OF ADMINISTRATIVE HEARINGS

Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On Feb. 24, 2009, I mailed a copy of this document to:

Loreen R. Case
102 Crestview Terr.
Lansing, KS 66043

Mary Blubaugh, Executive Director
Alma A. Heckler, Assistant Attorney General
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612

Staff Person
Office of Administrative Hearings