

Kansas State Board of Nursing

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October 6, 2003

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Board of Nursing

Linda Bowman
1023 East Third St.
Caney, KS 67333

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Assistant Attorney General
Disciplinary Counsel
785-296-4325

SUMMARY ORDER

Dear Ms. Bowman:

The Disciplinary Committee of the Kansas State Board of Nursing has reviewed your application materials and on behalf of the Board members I am denying your reinstatement application to practice nursing as a registered nurse (R.N.) in Kansas. This denial is based upon the following:

FINDINGS OF FACT

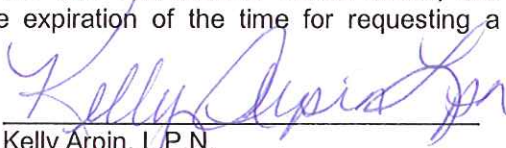
1. Respondent has submitted an application for a reinstatement of her nursing license received by the Board 9/18/2003.
2. The application for reinstatement has a letter submitted by the respondent describing attendance at a treatment program of KNAP for a period of 18 months from March of 2001 to August 25, 2002, at which time there was a relapse. Soon after she surrendered her Kansas and Virginia licenses. Her letter explains that she attended 90 meetings in 90 days and to present attends 2 AA or NA meetings a week. She states she has been clean and sober since March 5, 1999 with one relapse on August 25, 2002. She wishes to be reinstated in KNAP if her license is reinstated.
3. Respondent has not been licensed in Kansas since surrendering her license September 27, 2002.
4. Respondent was issued an RN license in Kansas August 3, 2001.
5. Respondent violated the Kansas Nurse Practice Act through a disciplinary action by the Virginia Board of Nursing for impairment and diversion of controlled substances. Respondent entered a Diversion Agreement in Kansas case #01-018-6 effective March 9, 2001 in which her Virginia agreement of 7/16/1999 for impairment and diversion was to be upheld.
6. On March 9, 2001 you entered into a Diversion Agreement with the State of Kansas Your case with KNAP was closed for non-compliance due to a relapse with drugs and alcohol on or about August 25, 2002. Investigation of pending case 02-606-6 described impairment at work and diversion of hydrocodone on or about September 3, 2002.
7. You voluntarily surrendered your Kansas and Virginia nursing licenses on September 27, 2002.
8. Respondent has not practiced nursing in Kansas since 2002.

CONCLUSIONS OF LAW

1. K. S. A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found:
 - (8) To have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency...be unable to practice with skill and safety due to current abuse of drugs or alcohol;
2. The Board has a pending case of impairment and drug diversion, case #02-606-6.
3. K.S.A. 77-511(a)(2)(a) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application.
4. Your conduct described herein violates the Kansas Nurse Practice Act.
5. If the information provided is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.
6. Pursuant to K.S.A. 1992 Supp 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

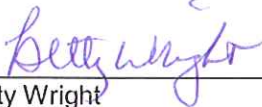


Kelly Arpin, L.P.N.
Board Member

CERTIFICATE OF SERVICE

I certify that on the 23rd day of October, 2003, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Linda Bowman
1023 East Third St.
Caney, KS 67333



Betty Wright
Assistant Attorney General