

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF**LINDA S. WARY**

License No. 14-98772-092

Case No. 11-1768-6

SUMMARY ORDER TO REVOKE

Now this 24th day of July, 2014, 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 registered nurse license of Linda S. Wary, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

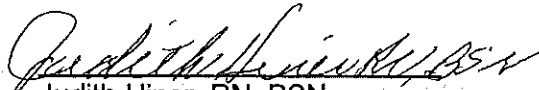
1.
 - a. Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 9/30/2016. The Board has jurisdiction over the Licensee and the subject matter of this action.
 - b. Licensee's address of record is 2477 NE Hwy 160, Columbus, Kansas 66725.
 - c. The Board referred the licensee on 6/11/2012 to the Kansas Nurse Assistance Program (KNAP) after the Board received a report that she tested positive for alcohol when she came to work at the Galena Nursing and Rehabilitation facility. Licensee allowed her license to lapse in September of 2012. Licensee filed an application to reinstate her license, the license was granted and she was referred back to KNAP in December of 2012. Licensee signed a contract with KNAP.
 - d. Licensee tested positive for alcohol and KNAP determined she had relapsed. Licensee was directed to quit working and get an updated evaluation. She was offered a three (3) year contract. Licensee did not respond to the letters dated 1/23/2014 and 2/7/2014 from KNAP. Her KNAP case was closed.
 - e. Licensee did not respond to letters from the Board. Licensee is not safe to practice nursing without monitoring by KNAP.
2. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

- (a) K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
- (b) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(t) failing to furnish the board, its investigators, or its representatives with any information legally requested by the Board.
- (c) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board;
3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.
4. 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, 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, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

- 1. Licensee's license is revoked.**
- 2. Licensee shall not practice nursing in the state of Kansas.**
- 3. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

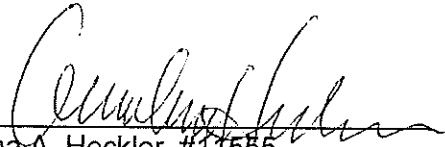
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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.


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 24th day of July, 2014, 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 S. Wary
2477 NE Hwy 160
Columbus, Kansas 66725


Alma A. Heckler, #11555
Assistant Attorney General