

Kansas State Board of Nursing

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Topeka, Kansas 66612-1230
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Patsy L. Johnson, R.N., M.N.
Executive Administrator
913-296-3068

September 15, 1993

Ms. Virginia Carlton
7515 Walnut
Kansas City, Missouri 64114

SUMMARY ORDER

Dear Ms. Carlton:

I have reviewed your application materials and on behalf of the Kansas Board of Nursing am denying your reinstatement application to practice as a Registered Nurse in Kansas. This denial is based upon the following:

I. FINDINGS OF FACT

1. On or about November 23, 1988 the State of Florida suspended Ms. Carlton's nursing license. The basis of the suspension was her termination from employment for misappropriation of controlled substances and her admission of diversion of those substances for her husband. The Order described conditions of reinstatement and proof to be provided upon such a Petition.
2. On or about January 4, 1990 Ms. Carlton's license was reinstated by the State of Florida based upon an in depth psychiatric evaluation, evidence of on-going counseling and a plan of re-entry into the profession. She was placed on probation of one year with employer and counselor reporting conditions attached.
3. On April 4, 1990, October 4, 1990 and January 4, 1991 she failed to submit timely reports to the Florida Board of Nursing as required by the aforementioned Order of Reinstatement. Further on May 9, 1991 the Florida Board of Nursing filed a Motion for Default on the above referenced Order of Reinstatement.
4. On or about June 22, 1993 she became employed part time at Spring Lake Care Center, Winter Haven, Florida. On July 3, 1991 Ms. Carlton's nursing license in Florida was again suspended. On or about August 20, 1991 she began full time employment at the Spring Lake Care Center, Winter Haven, Florida. On or about October 12, 1991 Virginia Carlton filed a petition for reinstatement of her Florida nursing license. On or about November 15, 1991 Virginia Carlton's employment with Spring Lake Care Center was terminated by the employer based upon their suspension of the discovery.
5. On or about June 2, 1992, the Florida Board of Nursing filed an administrative complaint alleging the foregoing violations. On or about August 13, 1992 the

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matter was heard. An order was issued on or about August 25, 1992 reinstating Virginia Carlton's license with a Suspension and a Stay based upon probationary conditions. The conditions included self reports and employer reports to the Florida Board of Nursing.

6. On or about October 27, 1992 Virginia Carlton applied for an RN position at the Indian Creek Nursing Center located in Overland Park, Johnson County, Kansas.
7. On or about November 10, 1992 an endorsement application for licensure as a Registered Nurse was received by the Kansas State Board of Nursing. Virginia Carlton answered yes to the prior or pending discipline question and attached copies of the Florida Administrative Complaint dated June 2, 1992 and the Final Order dated August 25, 1992. She provided no other facts and no letter of explanation.
8. On November 11, 1992 Virginia Carlton began work as Assistant Director of Nursing for Horizons Health Care at the Indian Creek Nursing Center.
9. On or about November 23, 1992 Virginia Carlton was approved for a temporary permit to practice as a RN in Kansas pending the completion of the Kansas State Board of Nursing investigation into past discipline history and verification from her original state of licensure as to her test results.
10. On or about January 24, 1993 Virginia Carlton was granted a second temporary permit to practice pending the results of the KSBN investigation and the still pending verification of original licensure and test results.
11. On or about February 18, 1993 the Florida Board of Nursing received an employer report from Indian Creek Nursing Center bearing a signature name of Mary Bublitz RN, Director of Nursing Services.
12. On or about March 12, 1993 the Missouri State Board of Nursing verification form and exam results were received at the Kansas State Board of Nursing by fax, but the investigation into past discipline history was still pending.
13. On or about March 24, 1993 the second temporary permit to practice as a RN expired in Kansas.
14. On or about April 1, 1993 the KSBN received a fax document from the Florida Board of Nursing listing a chronological summary of the discipline history of Virginia Carlton in that state revealing the diversion and controlled substances issues for the first time to the KSBN. On April 2, 1993 the original MSBN verification was received by the KSBN.
15. On or about April 6, 1993 the KSBN staff contacted a Board member for approval to process for licensure and were directed they could process for licensure if Virginia Carlton agreed to and did participate in the KSNA Peer Assistance Program for impaired licensees for a two (2) year period. Further a referral was made to that program by the staff.
16. On or about April 14, 1993 the current employer Indian Creek Nursing Center in Overland Park, Kansas, specifically the Director of Nursing Mary Bublitz, was

contacted by the Florida Board of Nursing about the employer report they had received in February bearing her signature. Mary Bublitz made them aware she had provided and signed no such information nor did she have any information regarding Florida discipline and probation conditions.

17. On or about April 15, 1993 Director of Nursing Mary Bublitz contacted the KSBN with this information regarding falsification of the employer report to Florida Board of Nursing and her contact with them.
18. On or about April 16, 1993 Virginia Carlton signed a contract with the KSNA Peer Assistance Program to participate in the same. The signing was unknown to the KSBN at that time.
19. On or about April 20, 1993 Virginia Carlton was terminated by Horizons Health Care based upon the record falsification and practice without a valid Kansas license.
20. On or about April 23, 1993 the KSBN received notice from the Peer Assistance Program that Virginia Carlton had signed the agreement with the PAP and was now a participant in the program.

II. CONCLUSIONS OF LAW

1. K.S.A. 65-1115(b)(2) provides that "the (Kansas) Board (of nursing) may issue a license to practice nursing as a registered professional nurse without examination to an applicant who has been duly licensed or registered as a registered professional nurse by examination under the laws of another state, territory or foreign country if, in the opinion of the Board, the applicant meets the qualifications required of a licensed professional nurse in this state."
2. However, K.S.A. 65-1120(a) gives the board the authority to deny a license to practice nursing as a registered professional nurse if the applicant is found: . . .
 - "(6) to be guilty of unprofessional conduct, as defined by KAR 60-3-110(a)(9) diverting drugs, supplies, or property of any patient or agency;
 - (6) to be guilty of unprofessional conduct, as defined by K.A.R. 60-3-110(a)(4) inaccurate recording, falsifying or altering any record of a patient or agency;
 - (8) to have a license to practice nursing as a registered nurse...suspended by a licensing authority of another state...or to have other disciplinary action taken against the applicant...by a licensing authority of another state....;"
3. K.S.A. 65-1120(b) authorizes the board to deny a license in accordance with the provision of the Kansas Administrative Procedures 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 when denying an application.
5. Virginia Carlton is found to have been guilty of unprofessional conduct by diverting medications of a patient or agency.

6. Virginia Carlton is found to have been guilty of unprofessional conduct in falsifying an employer's report to the Florida Board of Nursing.
7. Virginia Carlton's license to practice nursing in the State of Florida was suspended on two separate occasions by the Florida Board of Nursing.

III. Order

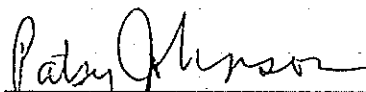
Based on the above and foregoing Findings of Fact and Conclusions of Law, Virginia Carlton's application for an endorsement license to practice nursing as a registered professional nurse in the State of Kansas is hereby denied.

If the information provided by you or the Florida State Board of Nursing 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.

Pursuant to K.S.A. 1992 Sup 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:

Attn: Practice Specialist
The Kansas State Board of Nursing
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
(913) 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.



Patsy Johnson, M.N., R.N.
Executive Administrator

CERTIFICATE OF SERVICE

I certify that on the 15th day of September, 1993, the foregoing Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Virginia Carlton
7515 Walnut
Kansas City, Missouri 64114

A handwritten signature in cursive script, appearing to read "Patsy Johnson", is written over a horizontal line.

Patsy Johnson, M.N., R.N.
Executive Administrator