

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
785-296-5752
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October 30, 1998

Ms. Robin Fairweather
126½ Cresta Road
Colorado Springs, Colorado 80906

SUMMARY ORDER

Dear Ms. Fairweather:

I have reviewed your application materials and on behalf of the Board members am denying your endorsement application to practice as a registered nurse in Kansas. This denial is based upon the following:

I. FINDINGS OF FACT

1. On or about June 5, 1997 Respondent filed an endorsement application for licensure as a registered nurse. To question number 12 "Has your license to practice nursing ever been denied, revoked, suspended, limited or disciplinary action taken by a licensing authority of another state, agency of the United States Government, territory of the United States or Country?", Respondent answered "yes". Respondent listed "California 1/22/86" and "Texas 1/10/86".
2. On or about June 25, 1984 Respondent's RN license in Texas was suspended with probation for one year. The basis of the action was Respondent's acts of diverting and failing to chart Demerol. On or about August 15, 1985 Respondent's license in Texas was suspended for two years with probation for a period of three years. The basis of that Board action was Respondent's acts of failing to document and/or waste Demerol and diverting Demerol. A copy is attached marked as Exhibit A
3. On or about January 10, 1986 Respondent's license to practice as a registered nurse was revoked by California. The basis of the decision was Respondent's action of diverting Demerol for self use and failing to document medication which actions resulted in the suspension of

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Assistant Attorney General
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Respondent's Texas license. On or about February 3, 1995 the California Board of Nursing granted Respondent's license as a registered nurse but immediately revoked and stayed with a three year probation period which would run until February 3, 1998. A copy of the California order is hereby attached marked as Exhibit B, and incorporated by reference herein.

4. On or about January 22, 1986 Respondent's registered nurse license in Texas was revoked. The basis of that action was Respondent's surrender of her license. Copies of these orders are attached hereto marked as Exhibit C and incorporated by reference herein.
5. Respondent has provided no documentation of drug/alcohol treatment or sobriety.
6. The Board has a duty to protect the public from unsafe or dangerous healthcare practitioners. Because of Respondent's repetitive criminal history which involves alcohol/chemical dependency and diversion the Board is not persuaded that Respondent is rehabilitated and will be a safe practitioner.

II. CONCLUSIONS OF LAW

1. K.S.A. 65-1115 provides that the Kansas State Board of Nursing shall grant a license to individuals that meet certain qualifications as set by statute.
2. 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:

"4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol ...", or

"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 of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United

States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph (8)"

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.

III. ORDER


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

If the information provided by you 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 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:

Practice Specialist
Kansas State Board of Nursing
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
(913) 296-8401

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.




Leona Beezley, R.N.
Board Member

CERTIFICATE OF SERVICE

I certify that on the 30th day of October 1998, 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:

**Ms. Robin Fairweather
126½ Cresta Road
Colorado Springs, Colorado 80906**



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