

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JAN 28 2010

**IN THE MATTER OF
EMILY J. WEATHERHEAD
License No.**

KSBN

Case No. 08-1141-3

SUMMARY ORDER

Now this 28th day of January, 2010, 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 licensed practical nurse license of Emily J. Weatherhead (Respondent) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Respondent is licensed to practice nursing in the state of Kansas as a registered nurse through the 30th day of September 2010.

2. Respondent's address of record is 2115 R Street, Belleville, KS 66935.

3. On or about November 3, 2008, Respondent's employment at the the Belleville Health Care Center, Belleville, Kansas, was terminated, and the employer reported concerns about Respondent's conduct to the Board.

4. [REDACTED]

5. [REDACTED]

6. [REDACTED] the investigative case was reopened, and the Board's investigator, by letter dated November 20, 2009, requested Respondent contact her.

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]

10. To date, Respondent has not done so.

11. On March 5, 2009, in Republic County, Kansas, case number 09CR03, Respondent pled no contest to Possession of a Stimulant Drug, in violation of K.S.A. 65-4160, a severity level 4 drug felony, Possession of a Depressant Drug without a Prescription, in violation of K.S.A. 65-4162(a), a class A nonperson misdemeanor, Possession of Drug Paraphernalia, in violation of K.S.A. 65-4152, a class A nonperson misdemeanor, and Theft (Possession of Stolen Property), in violation of K.S.A. 21-3701(a)(4), as class A nonperson misdemeanor.

12. On the same date, Respondent pled no contest to an amended charge of Attempted Escape from Custody, in violation of K.S.A. 21-3807, a class B nonperson misdemeanor, in case number 09CR04, and case number 09CR07, charging one count of Forgery, a severity level 8, nonperson felony, was dismissed pursuant to the plea agreement.

13. On April 2, 2009, Respondent was sentenced to 13 months in the custody of the Department of Corrections but granted supervised probation for 12 months to follow mandatory drug treatment of up to 18 months. Respondent was given 84 days of credit for time spent in jail and, after sentencing, remanded to the sheriff to await transportation to the Women's Recovery Center. Respondent was also sentenced to concurrent jail terms on the misdemeanor convictions but also granted probation.

14. [REDACTED]

CONCLUSIONS OF LAW

15. 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, upon making any of the findings contained in K.S.A. 65-1120(a).

16. The Board has jurisdiction over the Respondent and the subject matter of this action.

17. The above findings of fact support the following grounds for disciplinary action:

- a) K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation to warrant the public trust;
- b) K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
- c) K.S.A. 65-1120(a)(6), 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.

18. Respondent's conduct described herein violates the Kansas Nurse Practice Act.

19. 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.



20. 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. Respondent's license to practice nursing in the state of Kansas is suspended indefinitely beginning on the effective date of this summary order.**
- 2. Respondent shall not practice nursing in the state of Kansas unless and until the suspension has been stayed or withdrawn upon a satisfactory showing of rehabilitation pursuant to *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991).**
- 3. Respondent shall return her license card to the Board.**

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.



Janel Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 28th day of January, 2010, a true and correct copy of the foregoing of the Summary Order was placed in the United States Mail, first-class postage prepaid, addressed to the following:

Emily J. Weatherhead
2115 R Street
Belleville, KS 66935



Brehda J. Clary
Assistant Attorney General