

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAR 17 2015

IN THE MATTER OF KIMBERLIE RAE JACKSON

License No. ENDORSEMENT APPLICANT

KSBN

Case No. 14-1782-0

SUMMARY ORDER

NOW ON THIS 17th day of MARCH, 2015, 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 proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. This Licensee has an application for endorsement to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 4880 S. Odessa Street Centennial Colorado 80015.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. Review of the information gathered by the Board revealed the following upon which this action is based.
 - (a) According to a report, licensee had multiple alcohol related offenses on her record.
 - (b) In 1992, applicant was charged in Weld County Colorado with DUI, BAC over .107, driving while suspended, failure to display lights and false report to authorities.
 - (c) All other charges were dismissed and applicant found guilty of DWAI.
 - (d) This conviction occurred on the 30th day of October, 1992.
 - (e) Applicant was again charged with DUI in Arapahoe County, Colorado on the 30th day of July 2013.
 - (f) Applicant was convicted of this offense and granted probation or 24 months of supervised probation

- (g) Applicant submitted a endorsement application to KSBN on the 18th day of October, 2014.
- (h) Due to alcohol related offenses, applicant was referred to the KNAP program on the 9th day of January, 2015.
- (i) Applicant was to obtain a chemical dependency evaluation.
- (j) Applicant responded to the KNAP program stating that she would not participate in the KNAP program and her KNAP case was closed the 2nd day of February 2015.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by criminal activity regarding alcohol and failure to comply with the Kansas Nurse Assistance Program and complete.

CONCLUSIONS OF LAW

- a. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- b. K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).
- c. K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.
- d. K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

6. 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 authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

Count 3: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

Coount 4: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

8. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

POLICY STATEMENT

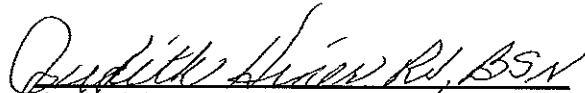
1. Failure to comply with a request for Chemical Dependency Evaluation is a violation of the public trust.
2. Alcohol related crimes committed by applicant indicate a need for the referral to the KNAP program to determine her safety to practice and to monitor for the safety of the public and the health care system.

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

1. Licensee's endorsement application to practice nursing in the state of Kansas is denied.
2. 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, the decision, which is called a Summary Order, is subject to your request for 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.

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

On the 17th day of March, 2015, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Kimberlie Rae Jackson
4880 S. Odessa Street
Centennial, CO 80015


Michael R. Fitzgibbons #12287
Assistant Attorney General