

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

FEB 29 2016

IN THE MATTER OF

Tamara Jo Christian

KSBN

License No. 23-32876-091/Reinstatement

Case Nos 04-137-8, 08-575-8 & 08-1021-8

SUMMARY ORDER

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Bryce D. Benedict, and for its cause of action states that:

1. Applicant, Tamara Jo Christian allowed her license to lapse on or about September 30, 2011. Applicant filed an application for reinstatement on or about July 11, 2013. That application was denied by a Default Order that was effective on or about March 20, 2014. Applicant filed another application for reinstatement on or about September 3, 2015. The Board has jurisdiction over the applicant and the subject matter of this action.
2. Applicant's address of record is 600 N. Kansas, Topeka KS 66608.
3. Any person who fails to secure a renewal license within the time specified may secure a reinstatement of such lapsed license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board. K.S.A. 65-1117(b). The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the applicant is neither competent nor qualified to practice, and referred this matter for further proceedings.

5. 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.

STATEMENT OF FACTS

4. The facts below are common to all counts:

(a) The Kansas State Board of Nursing entered a Consent Agreement and Final Order (Agreement) on or about May 7, 2010 in the above captioned cases. The Respondent stipulated to the facts as alleged in the Agreement and agreed to comply with the conditions of the Agreement. The conditions of the Agreement required the Respondent to participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP). KNAP is the Impaired Provider Program of the Board.

(b) On or about 12/27/2010, KNAP closed Respondent's case for the second time. She failed to submit to urine drug screens as directed, failed to enroll in the Affinity program and failed to attend monthly monitoring meetings and 12 step meetings. Pursuant to the terms of the May 7, 2010 Agreement and the requirement that the Respondent successfully complete KNAP, the Stay of Suspension on Respondent's license was lifted for six months. The suspension would not be stayed again for six months and until the Respondent came back into compliance with KNAP and the Agreement. The Respondent's license was suspended effective July 14, 2011.

(c) Respondent let her nursing license lapse on or about 9/30/2011, two months after her license was suspended. Respondent failed to complete the terms of the May 7, 2011 Consent Agreement and Final Order.

(d) Respondent filed for reinstatement on 7/11/2013. The Board told her it would consider filing an Amended Initial Agreed Order (Consent Agreement and Final Order) if she enrolled in KNAP and demonstrated her compliance with the program.

(e) Respondent was referred by the Board to KNAP on August 14, 2013. She promised to pay KNAP the \$810.00 in fees and costs, she owed the program. She was given approximately three (3) months to do so, but KNAP did not hear from her and she did not make any payments. Respondent's KNAP case was closed for a third time on or about November 14, 2013. Respondent did not inform the Board that her KNAP case had been closed for a third time.

(f) Respondent admitted to a history of drug use in the May 7, 2011 Consent Agreement and Final Order. Respondent also admitted she was referred to Kansas Nurse Assistance Program (KNAP) and signed a contract with KNAP on 12/29/08. Respondent did not comply with the terms of KNAP and missed several UDS.

(g) Respondent admitted to the facts of two other discipline cases:

Case No. 04-137-8- on respondent's initial LPN application she reported a felony conviction for burglary and theft from three homes in March of 1996; and

Case No. 08-575-8 Respondent filed a reinstatement application after she let her license lapse and practiced without a license for nine (9) months.


(h) Respondent has failed to comply with the requirements of KNAP after three separate referrals.

5. The evidence before the Board shows that the applicant is neither competent nor qualified to practice nursing, and that the safety of the citizens of Kansas is protected by denying the application for reinstatement.

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

- 1. Applicant's application for reinstatement is denied.**
- 2. Licensee shall not practice nursing in the state of Kansas.**


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 29th day of February, 2016, 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:

Tamara Christian
600 N. Kansas
Topeka KS 66608


Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General