

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED
OCT 05 2016
KSBN

IN THE MATTER OF
JENNIFER C. CLARK

OAH No. 15BN0097

License No. 13-66571-102
Case No. 10-1424-7 & 10-231-6

NOTICE OF PROPOSED DEFAULT ORDER
AND
PROPOSED DEFAULT ORDER

This matter comes on for prehearing before the Kansas State Board of Nursing (Board/Petitioner). Pursuant to K.S.A. 77-514, Sandra L. Sharon was appointed Administrative Law Judge (ALJ)/Presiding Officer. The Board appears through Michelle David, Disiplinary Counsel for the Board. The respondent, Jennifer C. Clark, failed to appear. In consideration of this matter, a Proposed Default Order is entered against respondent.

The presiding ALJ finds as follows:

1. The respondent is licensed to practice nursing in the State of Kansas.
2. The Petitioner, the Kansas State Board of Nursing Board, has jurisdiction over the respondent and the subject matter of this action.
3. On January 8, 2015, a Petition was filed by the Board seeking revocation of the respondent's nursing license.
4. On Aigist 19, 2016, a Notice of Prehearing Conference was sent to the respondent. The conference was scheduled for September 27, 2016 at 9:00 a.m. The notice was not returned as undeliverable.
5. On September 27, 2016, a prehearing conference was convened. The Board appeared by disciplinary counsel, Michelle David. The respondent did not appear in person or by phone.
6. Pursuant to Kansas Statutes Annotated (K.S.A.) 77-520(a), "[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order."

7. The respondent is in default pursuant to K.S.A. 77-520.
8. This Proposed Default Order shall become effective and deemed an initial order, seven days after service or ten days after mailing of this order unless the respondent files a written motion stating why the Proposed Default Order should be vacated and the order is then vacated. A motion to vacate shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka KS 66612-1230, with a copy to be mailed or personally delivered to: Sandra L. Sharon, Administrative Law Judge, Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, KS 66612-1327.
9. If this Proposed Default Order becomes effective, the allegations contained in the Petition will be deemed uncontroverted and the Petition will be granted and incorporated into this order as if fully set forth herein. The respondent's license to practice nursing will be revoked. The respondent will immediately forward his or her original Kansas nursing license to the Board.
10. In addition, costs of the action in the amount of \$100.00 will be assessed to the respondent to be paid to the Board by cashier's check or money order within 30 days of the effective date of this order.

The presiding ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the respondent. It shall take effect as specified in the above findings.

IT IS SO ORDERED.

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-520, if the proposed default order becomes effective, it is deemed an initial order, as set forth above. Pursuant to K.S.A. 77-527, either party may request review of the initial order by filing a petition for review with the Kansas State Board of Nursing within 15 days from date the order is deemed an initial order. Failure to timely request review may preclude further judicial review. Petitions for review shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka, KS 66612-1230.

If neither party requests review, the initial order becomes a final order and is binding on the 30th day following its mailing.

A party may seek judicial review of a final order by filing a petition for judicial review pursuant to K.S.A. 77-601, *et seq.* Reconsideration of a final order is not a prerequisite to judicial review. A copy of any petition for judicial review shall be served on Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.



Sandra L. Sharon
Administrative Law Judge
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612-1327

CERTIFICATE OF SERVICE

On September 28, 2016, I mailed this original document through State Building Mail to:

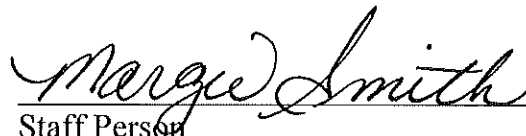
Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Bryce D. Benedict
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

And a copy of this document through first class mail to:

Jennifer C. Clark
3701 W 7th Street
Prairie Village, KS 66208



Staff Person

Office of Administrative Hearings

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

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KSBN

**IN THE MATTER OF
JENNIFER C. CLARK
License No. 13-66571-102**

Case No. 10-1424-7, 10-231-6

PETITION

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

1. Respondent, Jennifer C. Clark, is licensed to practice nursing in Kansas through 10/31/2012. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 641 N. Walnut St, Gardner, KS 66030.
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. 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.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:
 - (a) In Case No. 10-231-6, Respondent entered into a contract with the Kansas Nurse Assistance Program (KNAP) on 4/26/2010. Her estimated completion date was 4/26/2013. Respondent agreed to random urine drug screens; attend monthly meetings; document two 12

step meetings per week; follow treatment recommendations of a therapist; quarterly employer reports; six month key restriction; and copies of all prescriptions prescribed by a licensed health care provider.

(b) Respondent was previously in KNAP in 1996 and successfully completed it in 1999.

(c) In Case No. 10-1424-7, Respondent did not accurately report her job responsibilities while employed by Walgreen Infusion and Respiratory Services and she was allowed to continue to work in Walgreens Home Infusions. Respondent failed to report that patients may have narcotics in their homes and she would have to administer them, which was inconsistent with the six month key restriction imposed by KNAP. KNAP rescinded an agreement to allow her to work in Walgreen's Home Infusions. The Respondent was terminated from her employment.

(d) Respondent was admitted to Valley Hope for treatment on 11/16/2010. She admitted to relapse and drinking again.

(e) Respondent withdrew from KNAP on 5/12/2011. The Board allowed the Respondent to re-enter KNAP in June, 2011 and she signed a contract with KNAP on 9/28/2011.

(f) Respondent was notified on 10/6/2011 she was out of compliance with the requirements of KNAP. She failed to complete the check-ins with Affinity three times in a row.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board on at least two occasions.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By: 

Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612