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SEP 26 2006
KSBN

KANSAS STATE BOARD OF NURSING
MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

September 26th, 2006

Cheryl M. Tiger
526 NE Emmett St.
Topeka, KS 66616

Case No. 01-606-8
License No. 23-027856-081

SUMMARY ORDER

Dear Ms. Tiger:

The Disciplinary Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a licensed practical nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) Applicant's license to practice nursing in Kansas lapsed on 8/31/2001. Applicant submitted a reinstatement application on 10/04/2001 and submitted certified court documents regarding a 3/21/2001 felony conviction for Criminal Damage to Property. A 120 day temporary permit to practice nursing in Kansas was issued to the Applicant. The Applicant never submitted the required CNE so her reinstatement application was considered abandoned after six months.
- (b) Applicant submitted a reinstatement application 4/28/2004 and revealed the 3/21/2001 felony conviction for Criminal Damage to Property. Applicant did not reveal other convictions. Applicant was instructed to submit certified copies of all convictions, however they were never received and the reinstatement application was abandoned.
- (c) On 1/9/06 Applicant submitted a reinstatement application. Applicant revealed a 6/22/2005 felony conviction for Driving Under the Influence having three plus convictions for driving under the influence. [REDACTED]
- (d) On or about 1/12/2006 a letter was sent to Applicant advising that her reinstatement application was incomplete and that applicant needed to supply the KSBN with information regarding all of her convictions.
- (e) On or about 2/27/2006 Applicant submitted documentation of a 2/21/03 conviction for misdemeanor Driving Under the Influence.
- (f) On or about 3/2/2006 a letter was sent to Applicant advising her that a Criminal History check had been done on applicant and that check showed that Applicant was not providing information on all of her criminal convictions. On or about 5/12/2006 Applicant provided information on additional criminal convictions.

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Voice 785-296-4929 Fax 785-296-3929 www.ksbn.org

- (g) On or about 4/22/1999 Applicant entered a Diversion Agreement for Driving Under the Influence in U.S. District Court District of Kansas case number 99-M-9044-01.
- (h) On or about 3/8/2000 Applicant was convicted of misdemeanor Driving While Suspended in Shawnee County, Kansas District Court case number 00TR000294.
- (i) On or about 8/24/2000 Applicant was convicted of misdemeanor Assault in Lawrence, Kansas Municipal Court case number L99-12339.
- (j) On or about 3/21/2000 Applicant was convicted of felony Criminal Damage to Property in Shawnee County, Kansas District Court case number 00CR00895.
- (k) On or about 7/18/2001 Applicant was convicted of misdemeanor Interference with City Officers in Topeka, Kansas Municipal Court case number CR-2001-0034867-MS.
- (l) On or about 7/18/2001 Applicant was convicted of misdemeanor Criminal Trespassing in Topeka, Kansas Municipal Court case number CR-2001-0034867-MS.
- (m) On or about 2/21/2003 Applicant was convicted of misdemeanor Driving Under the Influence in Douglas County, Kansas District Court case number 02CR0001676.
- (n) On or about 2/17/2005 Applicant was convicted of misdemeanor Driving While Suspended or Revoked in Lawrence, Kansas Municipal Court case number 2004-TR-2025589-MS.
- (o) On or about 6/22/2005 Applicant was convicted of Felony Driving Under the Influence in Douglas County, Kansas District Court case number 04CR001447.

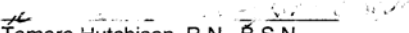
CONCLUSIONS OF LAW

2. 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 this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:
 - (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.
 - (b) K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.
 - (c) 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 unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust..."
 - (d) K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.
3. 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 in whole or in part.
4. Your conduct described herein violates the Kansas Nurse Practice Act.

5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.
7. 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.


Tamara Hutchison, R.N., B.S.N.
Member, Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 26th day of September, 2006, 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:

Cheryl M. Tiger
526 NE Emmett St.
Topeka, KS 66616

Mark A. Knight, #12183
Assistant Attorney General