

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED #217
MAY 17 2012 pet

**IN THE MATTER OF
CHERYL K. ANDERSON
License No. 23-13113-022**

KSBN

Case No. 06-885-9 and 11-038-0

SUMMARY ORDER

Now this 17th day of May, 2012, 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 deny the application for reinstatement filed by the Applicant on or about January 10, 2011 by way of Summary Order as provided by K.S.A. 77-537. Applicant, Cheryl K. Anderson, filed to reinstate a practical nurse license.

FINDINGS OF FACT

1. (a) Applicant, Cheryl K. Anderson filed to reinstate her practical nurse license on 1/11/2011. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Applicant's address of record is 3653 Idaho Road, Pamona, Kansas 66076.

(c) In Case No. 06-885-9 the board investigated a report of allegations of false documentation to hide a pattern of drug diversion and working while impaired at Medicalodges of Jackson County, Kansas. Furthermore, applicant was the subject of several variance/incident reports to include failure to change dressing, take a UA to the lab, failure to administer eye drops, Xanax and Darvocet. Failed to assess a patient after patient complained of chest pain and it was alleged that she made inappropriate comments to a patient's family.

(d) Applicant tested positive for amphetamines and benzodiazepines on 8/16/2006 and supplied a prescription for adderall and alprazolam dated 8/23/2006. Applicant provided no proof she had a prescription on or before 8/16/2006.

(e) A review of medications was conducted by the facility after Applicant tested positive. A number of discrepancies were noted in the amounts of expired medications listed on the narcotic sheets scheduled to be destroyed and medications actually on hand. A copy of the expired medication room checklist showed that the Applicant consistently checked for expired medications. Applicant was direct referred to the Kansas Nurse Assistance Program (KNAP) by the board in December of 2007 and KNAP closed her case in February of 2008 due to her failure to return releases or communicate with KNAP.

(f) Applicant let her license lapse on 2/28/2008. Applicant has not included any history of treatment or education to address her practice omissions and failures with her reinstatement application.

(g) A background check showed a history of unreported misdemeanor convictions:

1. On or about April 25, 2008 in Case No. 08TR23, applicant was convicted of driving without a driver's license and no insurance, in the District Court of Jackson County, Kansas. Both crimes are misdemeanors.

2. On or about August 10, 2009 in Case No. 09TR324, applicant was convicted of no insurance, failure to display car registration, driving while suspended and displaying an altered car license plate decal, in the District Court of Jackson County, Kansas. All of the crimes are misdemeanors.

(h) Applicant failed to disclose these misdemeanor convictions and even answered "no" to question 10 on the 1/10/2011 reinstatement application. Question 10 asks, "Have you ever been convicted of a misdemeanor?"

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)(6), unprofessional conduct by K.A.R. 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient;

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying or altering any record of a patient or agency or of the board;

(c) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency;

(d) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110(s).

(e) 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.

3. Applicant's conduct described herein violates the Kansas Nurse Practice Act.

4. 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.

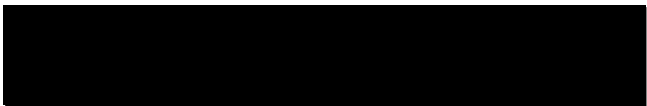
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

1. The Applicant's reinstatement applicant is denied.
3. Applicant 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 Himer RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 17th day of May, 2012, 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 K. Anderson
3653 Idaho Road
Pamona, Kansas 66076



Alma A. Heckler, #11555
Assistant Attorney General