

FILED

DEC 16 2009

BEFORE THE KANSAS STATE BOARD OF NURSING

KSBN

IN THE MATTER OF  
Sheila M. Robinson  
License No. 23 014290 102

Case No. 09 533 5  
OAH No. 10BN0021

**INITIAL ORDER**

Now on this 19th day of November 2009, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon, duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears through Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Sheila M. Robinson, appears in person.

Findings of Fact

1. On April 10, 2008, the respondent filed a reinstatement application to practice nursing in the state of Kansas with the Board.
2. On April 9, 2009, the respondent was employed working as a nurse at College Hill Nursing and Rehabilitation Center in Wichita, Kansas. The respondent was unable to perform her duties. She was observed as slow to react, having trouble keeping her eyes open, trouble keeping her head up, having slurred speech, unable to give the report to the next shift, unable to answer questions, and was seen staggering.
3. At the employer's request, the respondent submitted to a drug screen. She tested positive for cocaine and elevated levels of benzodiazepine.
4. On May 8, 2008, the respondent entered into a consent agreement with the [REDACTED]
5. Pursuant to the agreement, the respondent's license to practice nursing was suspended. The suspension was stayed and the respondent was allowed to continue practice nursing.
6. On or about May 8, 2007, the Texas Board of Nursing took disciplinary action against the respondent's license to practice nursing in the State of Texas. Pursuant to this action, the respondent's license to practice nursing in the State of Texas was revoked.
7. The respondent failed to report on her reinstatement application with the Board that she was disciplined by the State of Texas Board of Nursing.

8. Pursuant to the consent agreement between the respondent and KNAP, dated May 9, 2008 noncompliance with the conditions of the consent agreement shall cause the stay of the suspension of the respondent's license to be lifted.

#### Conclusions of Law

1. The Board has the authority to deny, revoke, limit, or suspend any license to practice nursing in the State of Kansas when an individual nurse is determined to be unable to practice nursing with skill and safety due to current abuse of drugs or alcohol. Kansas Statutes Annotated (K.S.A.) 65-1120(a)(4).
2. Further, the Board may deny, revoke, limit, or suspend a license to practice nursing in the State of Kansas if the individual nurse has been found to have her license to practice nursing denied, revoked, limited, or suspended, or censured by the authority of another state. K.S.A. 65-1120(a)(8).
3. The Board may deny, revoke, limit, or suspend any license to practice nursing in the State of Kansas if the nurse has been found guilty of unprofessional conduct. K.S.A. 65-1120(a)(6).
4. Among other things, unprofessional conduct includes failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient. Kansas Administrative Regulation (K.A.R.) 60-3-110(c).
5. Unprofessional conduct also includes inaccurately recording, falsifying, or altering any record of a patient or agency or of the Board. K.A.R. 60-3-110(d).
6. The Board may deny, revoke, limit, or suspend any license to practice nursing in the State of Kansas if the individual licensee is found to be guilty of unprofessional conduct by failing to comply with any disciplinary order of the Board. K.S.A. 65-1120(6) and K.A.R. 60-3-110(r).

#### Conclusion

1. By reporting to the College Hill Nursing and Rehabilitation Center under the influence of increased levels of benzodiazepine and cocaine, the respondent has demonstrated the inability to practice with skill and safety due to current abuse of drugs and alcohol. This is a violation of K.S.A. 65-1120(a)(4).
2. Further, by reporting to the College Hill Nursing and Rehabilitation Center, the respondent has participated in unprofessional conduct by failing to take appropriate actions or to follow policies and procedures in the practice situation designed to safeguard each patient. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(c).

3. By being disciplined and having her license revoked by the Texas State Board of Nursing, the respondent has violated K.S.A. 65-1120(a)(8).
4. By failing to report on her reinstatement application that she was disciplined by the Texas State Board of Nursing, the respondent had falsified a record of the Board and has participated in unprofessional conduct. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(d).
5. By failing to comply with the consent agreement, the respondent entered into with the Kansas State Board of Nursing on May 9, 2008, she acted unprofessionally. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(r).
6. The respondent has repeatedly violated the Kansas Nurse Practice Act. The Board's Petition to Revoke the respondent's license to practice nursing in the State of Kansas is affirmed.
7. The cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).


#### Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

OFFICE OF ADMINISTRATIVE HEARINGS

  
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Sandra L. Sharon  
Presiding Officer  
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On Dec 16, 2009, I mailed a copy of this document to:

Sheila M. Robinson  
315 N. Riverview, #607  
Wichita, KS 67203

Mary Blubaugh, Executive Director  
Alma A. Heckler, Assistant Attorney General  
Kansas State Board of Nursing  
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Staff Person  
Office of Administrative Hearings