

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
CHI R. BIEHLER  
License No. 23-022974-081**

**Case No. 06-331-4, 08-807-0**

**FILED**

**APR 28 2009**

**KSBN**

**PROPOSED DEFAULT ORDER TO REVOKE LICENSE**

NOW ON THIS 28<sup>th</sup> day of April, 2009, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:


1. Respondent is licensed to practice nursing in Kansas through 8/31/2009. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas licensed practical nurse license to the Kansas State Board of Nursing.

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,

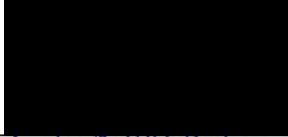
Stephen N. Six  
Kansas Attorney General

By:

  
Alma A. Heckler, #11555  
Assistant Attorney General

8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

**IT IS SO ORDERED.**

  
Sandra L. Sharon, Presiding Officer

**NOTICE**

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at:

State Board of Nursing - Legal Division  
Landon State Office Building  
900 SW Jackson, Ste 1051  
Topeka, KS 66612-1230

  
Alma A. Heckler, #11555  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

**CERTIFICATE OF SERVICE**

I certify that on the 28<sup>th</sup> day of April, 2009, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Chi R. Biehler  
316 E. Franklynn  
Herington, KS 67449

  
Alma A. Heckler  
Assistant Attorney General

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**FEB 04 2009**

**KSBN**

**IN THE MATTER OF**

**CHI R. BIEHLER**

**License No. 23-022974-081**

**Case No. 06-331-4, 08-807-0**

**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 is licensed to practice nursing in Kansas through 8/31/2009. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 316 E. Franklynn, Herington, KS 67449.
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 Kansas State Board of Nursing (KBON) Case No. 06-331-4, Respondent was investigated for diversion of pain medication. Respondent visited a hospice patient at home on 2/15/06 and provided care. Respondent returned on 3/1/06 and asked patient if Respondent could wash her hands and went to patient's bathroom. Patient kept medications in her

bathroom. Patient reported pain medication was missing. Respondent was not assigned to work in patient's home on 3/1/06. [REDACTED]

(b) [REDACTED]

[REDACTED] The Board opened a new investigative case, Case No. 08-807-9. Respondent claimed she had a corneal transplant in June of 2008 and was not working. [REDACTED]

[REDACTED] Respondent self reported her use of marijuana and methamphetamines starting in 2007. Respondent reported she had a suicide attempt in 2007.

(c) [REDACTED]

[REDACTED] Respondent is not safe to practice and has not provided any information to the Board to demonstrate her safety to practice.

### VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

Count 2: 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 3: K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d).

Count 4: 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)