

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING

NOV 23 2010

IN THE MATTER OF
JAMIE L. RODRIGUEZ
License No. 23 029322 042

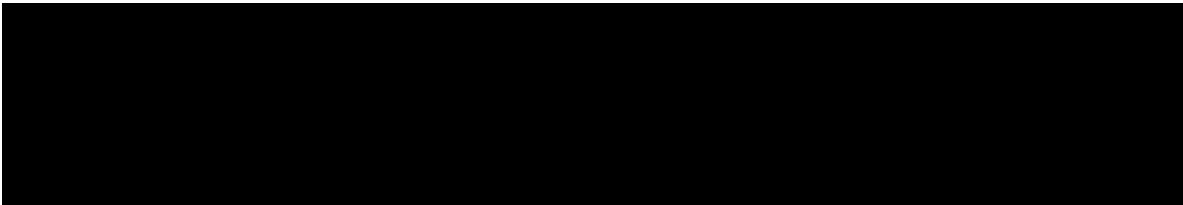
Case No. 08 032 5
OAH No. 09BN0021

KSBN

INITIAL ORDER

Now on this 3rd day of November 2010, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon was 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, Jamie L. Rodriguez, appears in person.

Findings of Fact

1. On August 4, 2008, the respondent entered into a Consent Agreement and Final Order with the Kansas State Board of Nursing.
2. Paragraph twenty-one of the Agreement and Final Order indicates that a Stay of Suspension of the respondent's license to practice nursing in the State of Kansas would be lifted for a period of six months if the respondent was found to be non-compliant with the terms and conditions of the Consent Agreement.
3. Beginning October 26, 2009, the respondent suffered a Lift of the Stay of Suspension of her license to practice nursing in the State of Kansas. The Lift of the Stay of Suspension lasted through April 26, 2010.
4. In the Consent Agreement and Final Order, the respondent also agreed that upon a second or subsequent finding of the respondent being non-compliant with the conditions and requirements of the Consent Agreement, the Stay of Suspension of her license to practice nursing in the State of Kansas shall be lifted for a period of one year.
5. In the Consent Agreement and Final Order, the respondent also agreed that she would participate and complete the reasonable recommendations and requirements of the Kansas Nurse Assistance Program (KNAP) in that she agreed to submit to random drug screens as determined by the Board or by KNAP.
6. 

[REDACTED]

7.

8.

Conclusions of Law

1. The Board has the authority to examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license to practice nursing and may limit, deny, suspend, or revoke such licenses. Kansas Statutes Annotated (K.S.A.) 74-1106(c)4.
2. Upon a finding of grounds for disciplinary action, the Board may deny, revoke, limit, or suspend any license to practice nursing in the State of Kansas. Grounds for disciplinary action, including denying, revoking, limiting, or suspending a license are found at K.S.A. 65-1120.
3. Discipline may be imposed if the individual is found to be guilty of unprofessional conduct as defined by the rules and regulations of the Board, K.S.A. 65-1120.
4. Kansas Administrative Regulation (K.A.R.) 30-3-110(f) acknowledges that failing to complete the requirements of the impaired provider program of the Board shall constitute unprofessional conduct.
5. In the Consent Agreement and Final Order entered into between the respondent and the Board, the respondent acknowledged and agreed that upon a second or subsequent finding of non-compliance with the conditions of the Consent Agreement, a Stay of Suspension of her license to practice nursing in the State of Kansas would be lifted for a period of one year from the date of said finding. During the period of one year, the respondent would not be allowed to practice nursing in the State of Kansas.

Discussion

1. By failing to complete the requirements of KNAP, the respondent has demonstrated unprofessional conduct. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110.
2. By failing to meet the requirements of KNAP, the respondent has violated the Consent Agreement and Final Order that she entered into with the Board.
3. Pursuant to the terms and agreements of the Consent Agreement and Final Order, the Stay of Suspension on the respondent's license to practice nursing in the State of Kansas shall be lifted for a period of one year, during which the respondent will not be allowed to practice nursing in the State of Kansas. The one year Stay of Suspension of the respondent's license to practice nursing begins the date of this Order and will run for one year.

Conclusion

The Board's Petition to Lift the Stay of the respondent's license to practice nursing in the State of Kansas is hereby granted as outlined above.

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



Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On Nov 23, 2010, I mailed a copy of this document to:

Jamie L. Rodriguez
130 S. Greenwich, Lot 24
Wichita, KS 67207

Mary Blubaugh, Executive Director
Alma A. Heckler, Assistant Attorney General
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612



Staff Person
Office of Administrative Hearings