

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING

JAN - 7 2010

KSBN

IN THE MATTER OF
Teana M. Carr
License No. 23 031184 011

Case No. 08 770 5
OAH No. 10BN0022

INITIAL ORDER

Now on this 3rd day of December 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, Teana M. Carr, appears in person.

Findings of Fact

1. In July 2007, the respondent was employed by Deseret Nursing and Rehabilitation Center in Wichita, Kansas.
2. On July 29, 2007, while employed at Deseret Nursing and Rehabilitation Center, the respondent tested positive for cocaine and marijuana.
3. In January 2008, when Deseret Nursing and Rehabilitation Center requested the respondent submit to a drug screen, the respondent refused and she was terminated by her employer.
4. On February 12, 2008, the respondent submitted an application to the College Hill Nursing and Rehabilitation Center in Wichita, Kansas. On this application, the respondent failed to accurately indicate the reason for her termination with Deseret Nursing and Rehabilitation Center.
5. While employed at College Hill Nursing and Rehabilitation Center in June 2008, the respondent signed out multiple Lortab doses on a resident's controlled substance record. This resident was not at the facility at this time.
6. On or about July 3, 2008, the respondent tested positive for cocaine and marijuana and was terminated by College Hill Nursing and Rehabilitation Center.
7. In August 2009, the respondent was referred to the Kansas Nurse Assistance Program (KNAP). The respondent did not follow through with this program.

Conclusions of Law

1. The Kansas State Board of Nursing has the authority to deny, revoke, limit, or suspend any license to practice nursing as a registered professional nurse, licensed practical nurse, or a licensed practical nurse issued by the Board if the licensee is guilty of:
 - Being unable to practice with skill and safety due to current abuse of drugs or alcohol. Kansas Statutes Annotated (K.S.A.) 65-1120(a)(4).
 - Unprofessional conduct by inaccurately recording falsifying or altering any record of a patient or agency or of the Board. K.S.A. 65-1120(a)(6) and Kansas Administrative Regulation (K.A.R.) 60-3-110(d).
 - Unprofessional conduct by diverting drugs. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(n).

Discussion

1. By testing positive for cocaine and marijuana while on duty as a nurse, the respondent has violated K.S.A. 65-1120(a)(4).
2. By inaccurately recording and documenting medical records of a controlled substance, the respondent is guilty of unprofessional conduct by drug diversion. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(n).

Conclusion

1. The Board has shown that the respondent has violated the Kansas Nurse Practice Act. Its petition to revoke the respondent's license until she can show she is safe to practice nursing is hereby affirmed.
2. 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



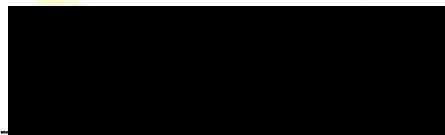
Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On Jan 6, 2010, I mailed a copy of this document to:

Teana M. Carr
1125 N. Kansas Ave., Apt. A
Wichita, KS 67214

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