

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

**IN THE MATTER OF
Tracey Vollmer**

NOV 04 2015

License No. 23-32108-081 (Reinstatement)
Case No. 14-1469-9

KSBN

SUMMARY ORDER

Now on this 4th day of November, 2015, 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 take disciplinary action against the applicant, Tracey Vollmer, by way of Summary Order as provided by K.S.A. 77-537.

1. Applicant filed an application for reinstatement on or about August 28, 2014. The applicant's license had lapsed on or about August 31, 2009. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Applicant's address of record, as shown on her reinstatement application, is 201 Main Street, Apt. 209, Atchison KS 66002.
3. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the applicant fails to meet the requirements to practice as a nurse in Kansas, and referred this matter for further proceedings.
5. 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.

FINDING OF FACTS

6. (a) On or about February 21, 2009, while employed as a nurse at Cascade Health Services, the applicant was found in an advanced state of intoxication while at work. A Breathalyzer analysis taken at that time indicated an alcohol level of .012, and a urinalysis was positive for opiates, benzodiazepines, and propoxyphene. The applicant admitted to drinking before beginning her shift, as well as taking narcotics.
 - (b) The applicant was then terminated from her position with Cascade Health Services.
 - (c) Since the above event the applicant has been convicted of two driving under the influence, a worthless check, a domestic battery, two pedestrian under the influence, and a disorderly conduct.
 - (d) Although the applicant sought treatment for her drug and/or alcohol problems, and has presented a certificate of a program completion dated August 13, 2013, it is noted that the last conviction above, for disorderly conduct, arose out of applicant being ticketed for

possession and/or public consumption of alcohol and interference with an officer, the applicant advised the Kansas State Board of Nursing (KSBN) investigator this was due to a relapse with alcohol, thus casting doubt on the effectiveness of the treatment program.

(e) Before making a decision on applicant's application, the KSBN referred the applicant to KNAP on or about September 25, 2014.

(f) On or about November 6, 2014 KNAP closed its file for alleged failures by the applicant. The Board again on or about November 21, 2014 referred the applicant to KNAP, and advised the applicant that if she was in compliance with KNAP for three months she would be reinstated.

(g) KNAP closed its file on or about January 29, 2015 as the applicant was a no-show for evaluations on January 5 and January 22, 2015.

(h) On January 20, 2015 the KSBN investigator tried to call the applicant regarding the January 5 no-show and could not make contact as she was advised by applicant's husband that the applicant was in jail. The investigator advised the husband of the January 22 evaluation appointment.

(i) Applicant has never completed the KNAP program.

STATEMENT OF LAW

7. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106(c)(4), K.S.A. 65-1117(c) and K.S.A. 65-1120(a) to examine, license, renew or reinstate licenses and may limit, deny, suspend or revoke a license or authorization to practice nursing, and may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110.

8. The Kansas State Board of Nursing may deny a license as a practical nurse if the applicant is deficient in qualification, or in the quality of education, or if there are disqualifying factors under K.S.A. 65-1120 and amendments thereto. K.S.A. 65-1116(b) & (c)(1).

9. Among the disqualifying factors enumerated in K.S.A. 65-1120 is unprofessional conduct as defined by the rules and regulations of the Kansas State Board of Nursing. K.S.A. 65-1120(a)(6). Unprofessional conduct is defined by K.A.R. 60-3-110.

10. A license reinstatement requires the applicant to be competent and qualified to act as a nurse. K.S.A. 65-1117(b).

FINDINGS OF LAW AND FACT

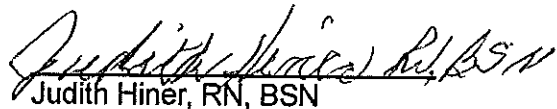
The above facts demonstrate the applicant has not met the requirements for reinstatement of her license.

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

- 1. Applicant's application is denied.**
- 2. Licensee 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.

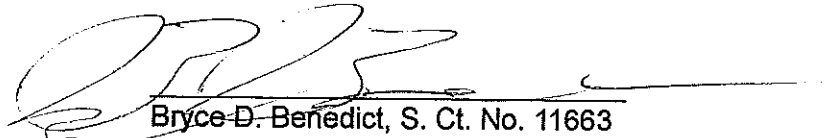


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 4th day of November, 2015, 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:

Tracy Vollmer
201 Main Street
Apt. 209
Atchison KS 66002.



Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General