

JAN 28 2010

## BEFORE THE KANSAS STATE BOARD OF NURSING

KSBN

IN THE MATTER OF  
Tonya M. Van Horn  
License No. 23 032810 051

Case No. 06 644 4; 07 791 4  
OAH No. 08BN0148

**INITIAL ORDER**

Now on this 26th day of January 2010, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. This matter was initially scheduled for a prehearing conference. The prehearing conference was converted to a hearing pursuant to K.S.A. 77-516(c)(7).

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, Brenda J. Clary, Disciplinary Counsel for the Board. The Respondent, Tonya M. Van Horn, appears in person.

Findings of Fact

1. On June 19, 2008, Tonya M. Van Horn entered into a Consent Agreement and Final Order with the Kansas State Board of Nursing (Board).
2. In the Consent Agreement and Final Order, Ms. Van Horn agreed to a suspension of her license to practice nursing in the State of Kansas and that in compliance with the terms and conditions of the Consent Agreement and Final Order, the suspension would be stayed.
3. Ms. Van Horn also agreed that her failure to comply with the terms and conditions of the Consent Agreement would result in the stay of suspension of her license to practice nursing being lifted for a period of six months.
4. Ms. Van Horn has violated the Consent Agreement and Final Order by failing to participate and complete the recommendations and requirements of the Kansas Nurse Assistance Program (KNAP).
5. Further, the respondent has failed to comply with a disciplinary action of the Board.
6. Because of Ms. Van Horn's failure to comply with the Consent Agreement and the disciplinary order of the Board, the Board is not assured that the respondent can practice nursing with skill and safety due to abuse of drugs and alcohol.

### Conclusions of Law

1. The Board has the authority to deny, revoke, limit, or suspend any license to practice nursing issued by it. K.S.A. 65-1120.
2. The terms of the Consent Agreement and Final Order entered into by Ms. Van Horn and the Board on June 19, 2008, they entered into voluntarily by Ms. Van Horn and the Kansas State Board of Nursing is controlling.

### Conclusion

1. Ms. Van Horn has violated the Consent Agreement and Final Order between her and the Board.
2. Ms. Van Horn has violated the Kansas Nurse Practice Act by failing to comply with the disciplinary order of the Board. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(r).
3. The Board has shown that the Ms. Van Horn cannot practice with skill and safety due to abuse of drugs or alcohol. Ms. Van Horn has violated K.S.A. 65-1120(a)(4).
4. Pursuant to the terms of the Consent Agreement, the Stay of Suspension of Ms. Van Horn's license to practice nursing is hereby lifted.
5. Ms. Van Horn's license to practice nursing shall be suspended for a period of six months from the date of her surrender of her license to the Board. The date of surrender shall be the date the Board is in receipt of her license.
6. At the end of six months, if Ms. Van Horn can verify, in writing, that she is in compliance with the Consent Agreement, a Stay on the Suspension of her license to practice nursing in the State of Kansas shall be issued.
7. The cost of this action shall be assessed to the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

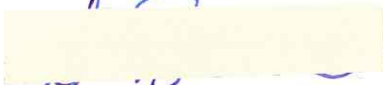
### Appeal Rights and Other Administrative Relief

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 28, 2010, I mailed a copy of this document to:

Tonya M. Van Horn  
401 E. 7<sup>th</sup>  
Halstead, KS 67056

Mary Blubaugh, Executive Director  
Brenda J. Clary, Assistant Attorney General  
Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612

  
\_\_\_\_\_  
Staff Person  
Office of Administrative Hearings