

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**FEB 23 2011**

**IN THE MATTER OF  
TONYA M. VAN HORN  
License No. 23-032810-051**

**KSBN**

**Case No. 06-644-4, 07-791-4**

**SUMMARY ORDER**

Now this 23<sup>rd</sup> day of February, 2011, 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 license of Tonya M. Van Horn by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Respondent, Tonya M. Van Horn, is licensed to practice nursing in Kansas through 5/31/2011. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 401 East 7th Halstead KS 67056
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 licenses 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.

5. Respondent entered into a Consent Agreement and Final Order (Consent Agreement) on or about June 19, 2008, with the Kansas State Board of Nursing to resolve case numbers 06-644-4 and 07-791-4. The Consent Agreement remains in effect until such time as the Respondent completes all conditions and requirements of the Consent Agreement. Respondent has not completed all conditions and requirements of the Consent Agreement.
6. Respondent let her license lapse May 31, 2009 and filed for reinstatement on June 10, 2009. Respondent was allowed to reinstate upon entering into an Addendum to Consent Agreement and Final Order on June 1, 2009, which reinforced her continuing compliance with the original consent agreement dated June 19, 2008.
7. Pursuant to the June 19, 2008, Consent Agreement and the June 1, 2009 Addendum, Respondent's license to practice nursing in Kansas was suspended with a stay of the suspension.
8. The June 19, 2008, Consent Agreement and the June 1, 2009 Addendum provides upon a first finding of non compliance with the conditions or requirements of the Consent Agreement, the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas shall be lifted for a period of six months from the date of said finding.
9. The June 19, 2008, Consent Agreement and the June 1, 2009 Addendum provides upon a second finding of non compliance with the conditions or requirements of the Consent Agreement, the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas shall be lifted for a period of one year from the date of said finding.
10. The June 19, 2008, Consent Agreement and the June 1, 2009 Addendum provides upon the Stay of Suspension being lifted due to a finding of non-compliance with the Consent Agreement, the Suspension will not again be Stayed until the Respondent has, following the prescribed time period of suspension, provided written verification to the Board that Respondent is in compliance with all conditions and requirements of this Consent

Agreement. Upon the Respondent providing said written verification, the suspension will again be stayed.

11. Conditions of the June 19, 2008, Consent Agreement and the June 1, 2009 Addendum include a condition that the Respondent participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP).

12.

13. On or about November 17, 2009, the Board filed a Petition to Lift Stay of Suspension

14. On or about January 26, 2010, Respondent appeared by phone for a pre-hearing conference. The pre-hearing conference was converted to a hearing pursuant to K.S.A. 77-516(c)(7).

15. On or about January 28, 2010, Sandra L. Sharon, presiding officer, issued an initial order. The initial order suspended Respondent's license for a period of six months. At the end of the six months, Respondent was required to verify in writing that she was in compliance with her Consent Agreement in order for a stay of suspension to be issued.

16.

17.

18.

#### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the Respondent violated the following provisions of the Nurse Practice Act:
  - a. K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the Board, by KAR 60-3-110(r), failing to comply with any disciplinary order of the board;
  - b. K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the Board, by KAR 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.
2. K.S.A. 77-511(a)(2)(A) and K.S.A. 77-537 of the Kansas Administrative Procedure Act authorize the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and 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.

#### **POLICY STATEMENT**

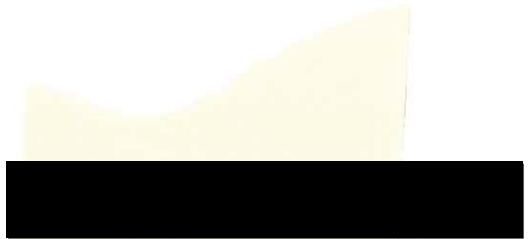
1. The role of the Kansas State Board of Nursing is to protect the citizens of Kansas.

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

1. Respondent's license to practice nursing is suspended for a period of one year from the effective date of this Summary Order.
2. A stay of suspension will not be issued until the period of one year has passed and KNAP has provided written verification to the Board that Respondent has six months of compliance with KNAP.

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.

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.



Janet Jacobs, LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 23<sup>rd</sup> day of February 2011, 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:

Tonya Van Horn  
401 East 7th  
Halstead KS 67056



Danielle Sanger #24587  
Assistant Attorney General