

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
TONYA M. VAN HORN
License No. 23-32810-051**

FILED
JUN 28 2011
KSBN

Case No. 07-791, 06-644

SUMMARY ORDER

Now this 28th day of June, 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 deny the LPN reinstatement application of Tonya M. Van Horn by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Applicant submitted a reinstatement LPN application on 6/16/2011 to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant's address of record is 732 S.Bonn, Wichita KS 67213.
3. On or about 6/16/2011, the Board received Applicant's reinstatement LPN application to practice nursing in the state of Kansas.
4. Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
5. On or about 6/19/2008, Applicant entered into a Consent Agreement with the Board to resolve disciplinary cases, # 07-791 and 06-644.
6. In the 6/19/2008 Consent Agreement, Applicant agreed to the following conditions:
 - a. Respondent shall return his or her current license card to the Board with this Consent Agreement. Respondent shall receive a license card which shall be issued with an "S" placed in the status code portion of the license card to indicate that the license is suspended with a Stay.
 - b. Respondent will participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor respondent and for KNAP to report information to the board. Respondent will be deemed to have completed the KNAP program when KNAP issues written notification that respondent has completed the program. Noncompliance with KNAP is a violation of this agreement.
 - c. Respondent must submit to random drug screens as determined or selected by the Board or by KNAP. The costs of the drug screens will be paid by the

- respondent. Respondent agrees that a Positive Drug Screen is a violation of this agreement.
- d. Respondent shall immediately notify the Legal Division of any use of alcohol, if prohibited by KNAP, or controlled substances, or any violation of this Consent Agreement and Final Order.
 - e. The respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order.
 - f. Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.
 - g. Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.
 - h. Respondent shall not violate the laws of the United States, of State, or of any political subdivision of any State during the term of this agreement. Traffic infractions shall not be considered violations of the law.
 - i. Respondent agrees to notify the Legal Division of any changes in address and phone number as well as all employment terminations or employer changes or additions. All such notifications shall be made in writing within fourteen (14) days of such a change.
7. In a letter dated 12/15/2008, KNAP informed the Board that Applicant was non-compliant with the program due to failing to attend the required number of 12 Step meetings per week.
 8. On or about 5/31/2009, Applicant's LPN license lapsed.
 9. On or about 6/10/2009, Applicant submitted a reinstatement LPN application.
 10. On or about 6/18/2009, Applicant entered into an Addendum to Consent Agreement with the Board which incorporated her reinstatement into her existing Consent Agreement.
 11. In a letter dated 7/24/2009, KNAP informed the Board that Applicant was non-compliant with the program due to failing to submit documentation of the required number of 12 Step meetings per week.
 12. In a letter dated 10/30/2009, KNAP informed the Board that Applicant's case was closed due to failing to comply with her 12 step meeting, monthly monitoring meeting, and urine drug screen requirements.
 13. On or about 11/17/2009, the Board filed a Petition against Applicant, alleging that Applicant failed to comply with a disciplinary order of the Board, failed to complete the requirements of the impaired provider program, and was unable to practice with skill and safety due to current abuse of drugs or alcohol.
 14. On or about 1/26/2010, Applicant appeared for a pre-hearing conference. The pre-hearing conference was converted to a hearing pursuant to K.S.A. 77-516(c)(7). The Administrative Hearing Officer concluded that the Applicant had violated her Consent Agreement, and her license was suspended for six months.
 15. On or about 6/15/2010, Applicant re-entered the KNAP program and signed a three year contract.

16. In a letter dated 10/26/2010, KNAP informed the Board that Applicant was non-compliant with her random urine drug testing.
17. In a letter dated 12/6/2010, KNAP informed the Board that Applicant's case was closed due to failing to comply with her 12 step meeting, monthly monitoring meeting, and urine drug screen requirements.
18. On or about 2/23/2011, the Board issued a Summary Order, proposing suspension of Applicant's license for one year. With no appeal, the Summary Order became effective 3/1/2011.
19. On or about 2/16/2011, the Board referred Applicant to KNAP.
20. On or about 5/31/2011, Applicant's license lapsed.
21. On or about 6/16/2011, Applicant submitted a reinstatement LPN application.
22. In a letter received by the Board on 6/20/2011, KNAP informed the Board that Applicant's case was closed due to her license lapsing.

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 applicant does not meet the requirements of the Nurse Practice Act as set out in the following provisions:
 - 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.

POLICY STATEMENT

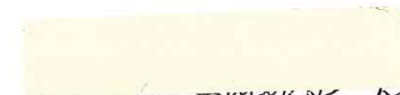
1. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

1. **Applicant's reinstatement LPN application to practice nursing in the state of Kansas is denied.**

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 28th day of June, 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
732 S. Bonn
Wichita KS 67213


Danielle Sanger #24587
Assistant Attorney General