

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
TAMARA J. CHRISTIAN
License No. 23-32876-091**

Case No. 04-137-8, 08-575-8, 08-1021-8

FILED

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PROPOSED DEFAULT ORDER TO DENY REINSTATEMENT

NOW ON THIS 26th day of February, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, Assistant Attorney General, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent filed a reinstatement application to practice nursing in Kansas on or about 7/11/2013. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition to deny reinstatement and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order denying reinstatement of respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per Petitioner's request, Respondent's reinstatement application and license to practice nursing is denied. Respondent may not practice nursing in Kansas.
6. Costs of the action in at least the amount of \$70.00 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas nursing certificate and any license cards in his or her possession to the Kansas State Board of Nursing.

8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.

9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

10. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.





Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. 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: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

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.

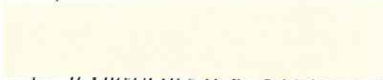



Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 4th day of March, 2014, the foregoing copy of the PROPOSED DEFAULT ORDER TO DENY REINSTATEMENT was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Tamara Jo Christian
1222 SW Lane
Topeka, Kansas 66604

C A A

Alma A. Heckler, #11555
Assistant Attorney General

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PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent, Tamara Jo Christian, filed a reinstatement application on or about 7/11/2013 to practice nursing in Kansas. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1222 SW Lane, Topeka, Kansas 66604.
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 license 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.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:
 - (a) The Kansas State Board of Nursing entered a Consent Agreement and Final Order (Agreement) on or about May 7, 2010 in the above captioned cases. The Respondent stipulated

to the facts as alleged in the Agreement and agreed to comply with the conditions of the Agreement. The conditions of the Agreement required the Respondent to participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP). KNAP is the Impaired Provider Program of the Board.

(b) On or about 12/27/2010, KNAP closed Respondent's case for the second time, She failed to submit to urine drug screens as directed, failed to enroll in the Affinity program and failed to attend monthly monitoring meetings and 12 step meetings. Pursuant to the terms of the May 7, 2010 Agreement and the requirement that the Respondent successfully complete KNAP, the Stay of Suspension on Respondent's license was lifted for six months. The suspension would not be stayed again for six months and until the Respondent came back into compliance with KNAP and the Agreement. The Respondent's license was suspended effective July 14, 2011.

(c) Respondent let her nursing license lapse on or about 9/30/2011, two months after her license was suspended. Respondent failed to complete the terms of the May 7, 2011 Consent Agreement and Final Order.

(d) Respondent filed for reinstatement on 7/11/2013. The Board told her it would consider filing an Amended Initial Agreed Order (Consent Agreement and Final Order) if she enrolled in KNAP and demonstrated her compliance with the program.

(e) Respondent was referred by the Board to KNAP on August 14, 2013. She promised to pay KNAP the \$810.00 in fees and costs, she owed the program. She was given approximately three (3) months to do so, but KNAP did not hear from her and she did not make any payments. Respondent's KNAP case was closed for a third time on or about November 14, 2013. Respondent did not inform the Board that her KNAP case had been closed for a third time.

(f) Respondent admitted to a history of drug use in the May 7, 2011 Consent Agreement and Final Order. Respondent also admitted she was referred to Kansas Nurse Assistance

Program (KNAP) and signed a contract with KNAP on 12/29/08. Respondent did not comply with the terms of KNAP and missed several UDS. Her KNAP case was closed on or about 2/2/2010 for the first time.

(g) Respondent admitted to the facts of two other discipline cases:

Case No. 04-137-8- on respondent's initial LPN application she reported a felony conviction for burglary and theft from three homes in March of 1996;

Case No. 08-575-8 Respondent filed a reinstatement application after she let her license lapse and practiced without a license for nine (9) months.

(h) Respondent has failed to comply with the requirements of KNAP after three separate referrals. Respondent is no longer eligible for referral to KNAP. Her reinstatement application to practice nursing in Kansas should be denied.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board on three occasions; K.A.R. 60-3-110 (s);


Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to comply with any disciplinary order of the board; K.A.R. 60-3-110(r).

WHEREFORE, petitioner requests a finding that the respondent has repeatedly violated the Nurse Practice Act, that respondent's reinstatement application to practice nursing in Kansas be denied, and that costs of this action be assessed to the respondent in the at least the amount of \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:


Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612