

**BEFORE THE KANSAS STATE BOARD OF NURSING**  
Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

FILED  
MAY 27 2016  
KSBN

**IN THE MATTER OF  
SARAH DITTMAN**

**OAH Case No. 16BN0097**

**License No. 23-34196-082  
Case No. 11-1721-8 & 11-1764-8**

**NOTICE OF PROPOSED DEFAULT ORDER**  
**AND**  
**PROPOSED DEFAULT ORDER**

This matter comes on for consideration by the presiding Administrative Law Judge (ALJ) to enter a Proposed Default Order against respondent, Sarah Dittman.

Wherefore, the presiding ALJ finds as follows:

1. The respondent is licensed to practice nursing in Kansas through August 31, 2016.
2. The Petitioner, the Kansas State Board of Nursing Board (Board), has jurisdiction over the respondent and the subject matter of this action.
3. On December 22, 2015, a Petition was filed by the Board seeking revocation of the respondent's nursing license. It was sent to her at her last known address and was not returned as undeliverable.
4. On December 23, 2015, a Notice of Prehearing Conference was sent to the respondent. The conference was scheduled for May 24, 2016 at 9:00 a.m. The notice was not returned as undeliverable.

5. On May 24, 2016, a prehearing conference was convened. The Board appeared by disciplinary counsel, Michelle David. The respondent did not appear in person or by phone.
6. Pursuant to Kansas Statutes Annotated (K.S.A.) 77-520(a), “[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order.”
7. The respondent is in default pursuant to K.S.A. 77-520.
8. This Proposed Default Order shall become effective and deemed an initial order, seven days after service or ten days after mailing of this order unless the respondent files a written motion stating why the Proposed Default Order should be vacated and the order is then vacated. A motion to vacate shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka KS 66612-1230, with a copy to be mailed or personally delivered to: Sandra L. Sharon, Administrative Law Judge, Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, KS 66612-1327.
9. If this Proposed Default Order becomes effective, the allegations contained in the Petition will be deemed uncontroverted and the Petition will be granted and incorporated into this order as if fully set forth herein. The respondent’s license to practice nursing will be revoked. The respondent

will immediately forward his or her original Kansas nursing license to the Board.

10. In addition, costs of the action in the amount of \$100.00 will be assessed to the respondent to be paid to the Board by cashier's check or money order within 30 days of the effective date of this order.

The presiding ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the respondent. It shall take effect as specified in the above findings.

**IT IS SO ORDERED.**

### Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-520, if the proposed default order becomes effective, it is deemed an initial order, as set forth above. Pursuant to K.S.A. 77-527, either party may request review of the initial order by filing a petition for review with the Kansas State Board of Nursing within 15 days from date the order is deemed an initial order. Failure to timely request review may preclude further judicial review. Petitions for review shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka, KS 66612-1230.

If neither party requests review, the initial order becomes a final order and is binding on the 30th day following its mailing.

A party may seek judicial review of a final order by filing a petition for judicial review pursuant to K.S.A. 77-601, *et seq.* Reconsideration of a final order is not a prerequisite to judicial review. A copy of any petition for judicial review shall be served on Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.



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Sandra L. Sharon  
Administrative Law Judge  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, KS 66612-1327

CERTIFICATE OF SERVICE

On May 25, 2016, I mailed this original document through State Building Mail to:

Mary Blubaugh  
Executive Administrator  
Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Bryce D. Benedict  
Assistant Attorney General  
Disciplinary Counsel for the Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-4325

And a copy of this document through first class mail to:

Sarah Dittman  
9733 SW 61<sup>st</sup> Street  
Topeka, KS 66610

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

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**DEC 22 2015**

**KSBN**

**IN THE MATTER OF SARAH DITTMAN**

**License No. 23-34196-082**

**Case No. 11-1721-8 and 11-1764-8**

**PETITION**

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

1. Respondent, Sarah Dittman, is licensed to practice nursing in Kansas through 8/31/2016. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 9733 S.W. 61<sup>st</sup> Street, Topeka, Kansas 66610.
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) Respondent was employed at Stormont Vail Hospital in Topeka, Kansas from 1/12/2004 to 10/4/2011.
  - (b) She was terminated for theft of narcotics.

- (c) Respondent admitted to diverting medications, specifically Diluadid, for two months prior to her employment termination at Stormont Vail.
- (d) Stormont Vail records indicate other narcotics were missing and there were several instances of her failure to chart.
- (e) Respondent had also had numerous counseling memorandums regarding her inability to work as scheduled at Stormont Vail prior to her termination.
- (f) She received those memorandums in 2008, 2009, 2010 and 2011.
- (g) Respondent was referred to the Kansas Nurse Assistance Program (KNAP) and enrolled in December of 2011.
- (h) Respondent has had one instance of non-compliance with KNAP, she relapsed in August of 2012 on Tramadol. Her KNAP program was extended until August 2015.
- (i) The Respondent's KNAP case has been closed for non compliance.

#### 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 diverting drugs, supplies, or property of any patient or agency; K.A.R. 60-3-110(n);

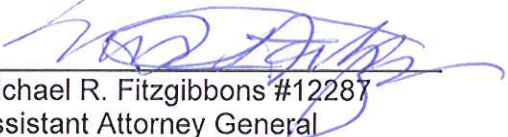
Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 60-3-110(s);

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the at least the amount of \$100.00.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By:

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612