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**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF****TERRI L. BROWN****License No. 23-034453-102****Case No. 07-654-8****FILED**  
#1617  
DEC 03 2012  
JTB**KSBN****PROPOSED DEFAULT ORDER TO DENY LICENSE**


NOW ON THIS 27<sup>th</sup> day of November, 2012, 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 August 23, 2012. 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 and notice of this hearing to respondent's last known address and service is proper. Respondent filed a request for a continuance of the prehearing and the Board opposed her request and served her with a copy of its response by mail. Presiding Officer attempted to contact the Respondent by phone at her last known number on November 27, 2012. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order denying respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition to deny 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 license to practice nursing is denied. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 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. 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.
8. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
9. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

**IT IS SO ORDERED.**



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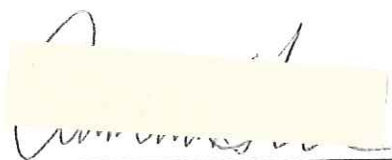
Sandra Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

**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 30<sup>th</sup> 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.



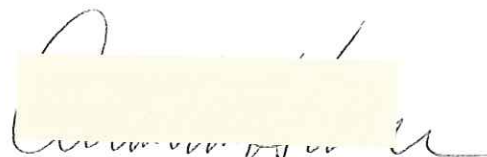
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Alma A. Heckler, #11555  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 3<sup>rd</sup> day of December, 2012, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Terri L. Brown  
322 W 4th  
Lyndon, KS 66451

A handwritten signature in black ink, appearing to read "Alma A. Heckler", is written over a yellow rectangular redaction box.

Alma A. Heckler, #11555  
Assistant Attorney General

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

**FILED** #422  
SEP 07 2012 p/b

**IN THE MATTER OF**  
**TERRI L. BROWN**  
License No. 23-034453-102

**KSBN**

**Case No. 07-654-8**

**PETITION TO DENY**

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 filed a reinstatement application to practice nursing in Kansas on or about August 23, 2012. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 322 W 4th, Lyndon, KS 66451.
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 entered a Consent Agreement and Final Order (Consent Agreement) on or about February 10, 2009, with the Kansas State Board of Nursing to resolve case number 07-654-8. Respondent admitted she tested positive for amphetamine when

screened for drugs on 6/7/07, after complaints were made about her inappropriate behavior at work and her confession to the use of methamphetamines. Her employment was terminated. The Consent Agreement remained in effect until such time as the Respondent completed all of the conditions and requirements of the Agreement.

(b) Under the terms of the Agreement, Respondent must to enroll in and remain compliant with the terms of a contract with the Kansas Nurse Assistance Program (KNAP). Respondent failed to do so. She failed to complete a scheduled drug screen on April 27, 2010 and she also missed checking in for random drug screens on three (3) scheduled days. Respondent did not return phone calls to KNAP. Respondent failed to complete 12 step attendance sheets.

(c) Respondent also failed to complete quarterly Employee Performance reports as required by the February 10, 2009 Consent Agreement.

(d) Respondent's KNAP case was closed unsuccessfully on or about May 12, 2010.

(e) The Board filed a petition to lift the stay of suspension or revoke the Respondent's license on May 6, 2010 and set the matter for prehearing on June 29, 2010. Respondent failed to appear and Respondent's license was revoked by default. Respondent did not appeal.

(f) Respondent was found to have violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board;

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; K.A.R. 30-3-110 (s);

Count 3: .K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

(g) Respondent filed a reinstatement application on August 23, 2012. Respondent does not include any information to show she has completed drug treatment or otherwise modified her circumstances after the disciplinary finding revoking her license on or about June 29, 2010.

Respondent did provide proof that she has reinstated her driver's license but no proof of treatment.

(h) Per Vakas v. Kansas State Board of Healing Arts, 248 Kan. 589 (1991), factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made are the following:

- The present moral fitness of the petitioner;
- The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- The extent of petitioner's rehabilitation;
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.

(i) Respondent has not paid the \$70.00 costs and fees assessed in the June 29, 2010 default order to revoke her license in the above captioned case.

(j) Respondent failed to report on her August 23, 2012 reinstatement application that she had a nursing license in Florida from 11/09/2006 to 7/31/2009.

### 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; K.A.R. 30-3-110 (s);

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

Count 4: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or

privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country...;


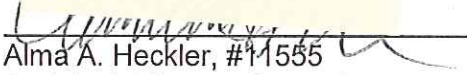
Count 5: K.S.A. 65-1120(a)(1) to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, she has failed to meet the requirements of Vakas, that respondent's application to reinstate her license to practice nursing in Kansas be denied, and that costs of this action be assessed to the respondent in the amount of at least \$70.00.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By:

  
  
Alma A. Heckler, #11555  
Assistant Attorney General