

BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF
JULIA MARLENE JARMAN
License No. 23-34921-031

Case No. 13-2240-7
OAH No. 14BN0160

INITIAL ORDER

Now on this 12th day of February 2015, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing (Board/Petitioner). Sandra L. Sharon was duly appointed Administrative Law Judge/Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General Michael R. Fitzgibbons, Disciplinary Counsel for the Board. The Respondent, Julia Marlene Jarman, appears in person.

Findings of Fact

1. On or about June 16, 2013, the respondent was arrested and charged with disorderly conduct. She was found at a gas station in her underwear passing out money and wishing happy father's day to individuals.
2. The respondent was charged and found guilty with violating an order for protection. These violations occurred August 21, 2013 and August 26, 2013.
3. After her arrest for violating an order for protection, the respondent was jailed in Wyandotte County, Kansas. The respondent was released from jail to Rainbow Mental Health. The respondent reports that she went to Rainbow Mental Health for "exhaustion and lack of sleep".
4. On November 13, 2013, the respondent was admitted to Osawatomie State Hospital.
5. On December 9, 2013, the respondent was placed on probation by the District Court of Wyandotte County, Kansas and ordered to follow the recommendations of her mental health evaluation, follow doctor's recommendations, go to a crisis recovery center, and to take her medications as prescribed.
6. On discharge from Osawatomie State Hospital, the respondent was prescribed various medications. The respondent indicates that she was able to manage her illness without medications from 1998 to 2008. Her compliance with medications is questionable.
7. Prior to these events taking place, the respondent was employed as a home health nurse. On one assignment, the facility asked the respondent's employer not to allow her to return to its facility.

8. At another assignment, a public school, the respondent demonstrated troubling behavior and once again, her employer was asked not to allow her to return.
9. At one assignment, the respondent suspected sexual abuse of her patient but failed to timely report her suspicions.
10. During its investigation, the Board requested the respondent provide it information related to its investigation. The respondent did not provide the requested information.
11. Within the record of this matter, there are letters and other documentation from the respondent. Reviewing these documents, the respondent indicates at one time or another she has been inflicted with the following: bipolar disorder, Raynaud Syndrome, depression, menopause, post-traumatic stress disorder, attention deficit disorder, insomnia, and anxiety. It is the respondent's contention that stress brings on symptoms of these disorders.
12. The respondent's license to practice nursing in the State of Missouri was revoked by a disciplinary order on November 18, 2014.

Applicable Law

1. It is a violation of the Kansas Nurse Practice Act to be guilty of unprofessional conduct by failing to furnish the Board, its investigators, or its representatives with any information legally requested by the Board. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(t).
2. It is a violation of the Kansas Nurse Practice Act to have a license to practice nursing denied, revoked, limited, or suspended, by a licensing authority of another state. K.S.A. 65-1120(a)(8).

Discussion

1. The record reflects that the respondent is dealing with some serious mental health issues. Her compliance with treatment of these issues is uncertain.
2. Furthermore, the record identifies several mental health conditions which the respondent may or may not be dealing with. Because of the inconsistent and varied nature of the respondent's writings and testimony, her reports and testimony cannot be relied upon. How she intends to manage her health is uncertain.
3. The fact that the respondent is dealing with mental health issues is not a violation of the Kansas Nurse Practice Act. However, the behaviors demonstrated by the respondent are of concern and are such that she has violated the Kansas Nurse Practice Act.

4. When the respondent failed to furnish the Board and its investigators information that it requested, she violated the Kansas Nurse Practice Act at K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(t).
5. The respondent's arrest and conviction form the underlying basis for the Missouri State Board of Nursing's revocation of her license to practice nursing there. When the respondent's license to practice nursing in the State of Missouri was revoked on December 18, 2014, she violated the Kansas Nurse Practice Act by having her license to practice nursing revoked by a licensing authority of another state. This is a violation of the Kansas Nurse Practice Act at K.S.A. 65-1120(a)(8).

Conclusion

1. The Board has shown by a preponderance of the evidence that the respondent has violated the Kansas Nurse Practice Act. The Board's petition to revoke the respondent's license to practice nursing in the State of Kansas is granted.
2. Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. 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: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

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.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.



Sandra L. Sharon
Administrative Law Judge/Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612
Telephone: 785-296-2433

CERTIFICATE OF SERVICE

On March 2, 2015, 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:

Michael R. Fitzgibbons
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:

Julia Marlene Jarman
6566 W. 91st Street, Apt. 164
Overland Park, KS 66212



Staff Person

Office of Administrative Hearings