

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

FILED

OCT 08 2013

KSBN

IN THE MATTER OF
JULIE A. WEATHERHEAD
License No. 23-36637-042

Case No: 12-1759-0

SUMMARY ORDER TO REVOKE

Now this 8th day of October, 2013, 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 take disciplinary action against the licensed practical nurse license of Julie A. Weatherhead, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. a. Licensee was originally licensed to practice nursing in Kansas on 8/30/2007 and is licensed to practice nursing in the state of Kansas as a licensed practical nurse through 4/30/2014. The Board has jurisdiction over the Licensee and the subject matter of this action.
b. Licensee's address of record is 66 Talmo Drive, Belleville, Kansas 66935.
c. Licensee was licensed in North Dakota. She was employed by Mandan Living Center in North Dakota from February 2012 to November 2012. She was terminated in November 2012 because she tested positive for marijuana. On November 15, 2012 she signed a voluntary surrender of her license to the Board of Nursing of the state of North Dakota. In the document she agreed to stipulate and admit to the facts currently under investigation by the North Dakota Board.
d. The North Dakota Board stated in the body of the document that the surrender is considered to be "the final disposition of disciplinary proceedings presently pending against me, and this disciplinary action shall be considered to be and may be recorded, published and processed as a final disciplinary Order of the Board". The facts currently under investigation were the positive urinary drug screen for marijuana she completed at the request of her employer Mandan Living Center.
e. Licensee was referred to the Kansas Nurse Assistance Program (KNAP) on June 17, 2013 by the Kansas Board of Nursing. KNAP made two attempts to contact her on August 20, 2013 and August 29, 2013. Licensee stated she was out of state until September 2, 2013 and her deadline to respond to KNAP was extended to September 6, 2013. Licensee failed to respond and her KNAP case was closed on September 11, 2013.
2. 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 violated the following provisions of the Nurse Practice Act:

(a) 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 or to have other disciplinary action taken against the applicant or license by a licensing authority of another state, agency of the United States government, territory of the United States or country.

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

(c) 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);

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.
4. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.
5. 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. Licensee's license is revoked.**
- 2. Licensee shall not practice nursing in the state of Kansas.**
- 3. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

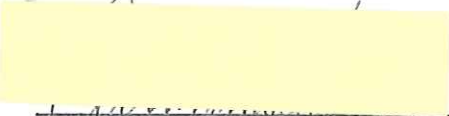
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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.


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 8th day of October, 2013, 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:

Julie A. Weatherhead
66 Talmo Drive
Belleville, Kansas 66935.


Alma A. Heckler, #11555
Assistant Attorney General