

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

IN THE MATTER OF  
BROOK E. HADLEY  
License No. 23-43019-051

Case No: 12-1965-7

**SUMMARY ORDER**

Now this 2<sup>nd</sup> day of January, 2014, 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 (LPN) license of Brook E. Hadley, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. a. Licensee is licensed to practice nursing in the state of Kansas as a licensed practical nurse through 5/31/2015. The Board has jurisdiction over the Licensee and the subject matter of this action.
- b. Licensee's address of record is 2726 S. 72<sup>nd</sup> Dr., Kansas City, Kansas 66106.
- c. Licensee first came to the attention of the Board in Case No. 12-509-7. She applied for her initial LPN license in 2012. It was discovered at that time that she had an August 2002 misdemeanor conviction for battery on a law enforcement officer and obstructing legal process. She was convicted of misdemeanor possession of simulated controlled substances or drug paraphernalia in February 2009. She completed a diversion in March 2011 for a misdemeanor charge of possession of hallucinogenic drugs.
- d. Licensee was approved for licensure by the Board in June of 2012 and issued a warning letter to report all convictions.
- e. Licensee in July 2012, applied for a position with Golden Living, in Fort Smith, Kansas. She was required to take a pre-employment urinary drug screen (UDS). On 7/25/2012 she tested positive for marijuana. The Board referred licensee to the Kansas Nurse Assistance Program (KNAP).
- f. Licensee enrolled in KNAP on 7/30/2013. Her estimated release date was 7/30/2014.
- g. Licensee was selected for a drug screen on September 6, 2013. She arrived just before the collection site closed. Staff at site noted licensee appeared to have something taped to her body. When staff asked her to disclose what it was, she refused. Licensee gave a small urine specimen. The specimen was cold and below the normal temperature of urine stored in a human body. The specimen was discarded. Licensee was unable to produce another one and left the facility over the objections of collection

site staff. Licensee was notified by KNAP, that she was in non-compliance with her KNAP agreement, by letter dated September 24, 2013.

h. Licensee was selected to provide a urine sample for testing on September 25, 2013. Licensee checked in but did not test. On September 26, 2013, Licensee was sent a letter by KNAP regarding this second non-compliance with her KNAP contract.

i. Licensee was selected to provide a urine drug sample for testing on October 23, 2013. The sample tested positive for marijuana. In a letter dated October 28, 2013, licensee was directed by KNAP to quit working and to be re-evaluated by the same evaluator who did her first evaluation on July 10, 2013. Licensee picked someone new without input from KNAP, to do the evaluation. Licensee failed to provide her new evaluator with her KNAP history and information about her criminal convictions. Licensee's KNAP case was closed on October 29, 2013, because she violated her KNAP contract by refusing to comply with testing by a KNAP approved evaluator. KNAP sent the licensee a letter on October 29, 2013 regarding her case closure. Licensee's KNAP case remains closed.

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)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...;

(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 Board's impaired provide program (KNAP) K.A.R. 60-3-110(s);

(d) 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;

- 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.

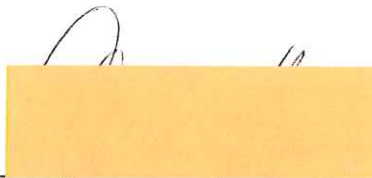
  
Judith Hiner, RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 2nd day of January, 2014, 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:

Brook E. Hadley

Brook E. Hadley  
2726 S. 72<sup>nd</sup> Dr.  
Kansas City, Kansas 66106

A handwritten signature in black ink is visible above a large, solid orange rectangular redaction box. The signature appears to be "Alma A. Heckler" followed by a date "1/10".

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Alma A. Heckler, #11555  
Assistant Attorney General