

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

Filed
OCT 31 2003
Board of Nursing

**IN THE MATTER OF
TINA BRUSTER
LICENSE NO. 24-015135-012**

CASE NO. 02-025-6

**INITIAL ORDER of REINSTATEMENT WITH SUSPENDED LICENSE WITH A STAY
OF SUSPENSION**

Now on this 8th day of October, 2003 the above matter comes on for hearing upon the Respondent's request that her license to practice nursing in the State of Kansas be reinstated. The Respondent appears personally, and the Petitioner, the Board of Nursing, appears by and through disciplinary counsel for the Board, Betty Wright. Upon being well and duly advised in the premises, and after a full and fair hearing the hearing officer makes the following findings and orders:

FINDINGS OF FACT

1. Respondent's address of record is 313 W. 15th, Winfield, Kansas 67156.
2. Effective April 4, 2002, Respondent's license was suspended after an emergency hearing and found the licensee violated K.S.A. 65-1120(a)(6), unprofessional conduct, defined by administrative regulation K.A.R. 60-3-110; (a) diverting drugs, supplies or property of a patient or agency. Respondent violated K.S.A. 65-1120(e)(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing. Evidence was presented that she had befriended an elderly patient (BT) of the Veteran's home and convinced her to lend Respondent money, and evidence indicated

that thousands of dollars in checks had been written on the patient's account to the Respondent personally.

3. Respondent allowed the L.P.N. license to lapse Jan 31, 2002.
4. Respondent filed a reinstatement application May 7, 2003. The Board may deny, limit, or suspend a nursing license if a violation of K.S.A. 65-1120 is established.
5. At the hearing of October 8, 2003, the Respondent stipulated that she had violated the KNPA as alleged in the Amended Petition filed the same date. [Respondent consented to the filing of an Amended Petition, waived all notice requirements, and consented to a conference hearing to be held forthwith.]
6. The Respondent was found guilty of 26 counts of forgery with checks against a resident at the Kansas Veteran's Home. Respondent was sentenced to serve time in the Cowley County jail and has been released. Respondent was placed on probation and will be on probation for five years with Cowley county probation officer, Dan Smith. That it has been twelve years since the Respondent was licensed to practice nursing in the State of Kansas. Respondent is required to pay restitution from future income to the victim.
7. That the Hearing Officer considered the exhibits of Petitioner:

Exhibit 1 – Certified copy of the Complaint in criminal case number 02-CR 142 W in Cowley County, Kansas.

Exhibit 2- Certified copy of the judgment and sentencing guidelines in criminal case number 02-CR 142 W in Cowley County, Kansas.

CONCLUSIONS OF LAW

8. The Hearing Officer finds that the original misconduct did not involve patient care, that the Respondent time has elapsed, that nursing skills were not challenged. The Hearing Officer grants a suspended license with a stay of the suspension so long as the following requirements are met:

(a) Licensee must follow all probation requirements. A violation of probation will result in a motion to lift the stay of suspension. An emergency hearing would be requested and notices provided of such hearing.

(b) Licensee must sign any consent or releases so that probation officer, Dan Smith, may provide and release any information needed to the Board.

(c) Licensee must notify the Board of all nursing employment, in writing: Legal Division, Betty Wright, State Board of Nursing, LSOB, 900 SW Jackson, Ste 1051, Topeka, KS. 66612. within 10 days after the hiring date.

(d) Licensee must notify all employers of the conditions of this agreement;

(e) Licensee must notify the Board within 10 days of any termination of employment or change in probationary status;

(f) This agreement and its conditions remain in effect through each renewal period of the license, until licensee provides a document from the court that the probationary period is concluded time estimated is **5 years**;

(g) Costs of the action of **\$70.00 are assessed** to Respondent to be paid to the Board by certified check or money order within **6 months**.

9. Disciplinary counsel shall mail a copy of this order to Respondent's last known address.

IT IS SO ORDERED.



Terry E. Beck, Hearing Officer

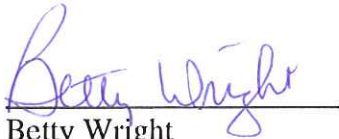
NOTICE OF RIGHT TO APPEAL

The procedures available and time limitations for seeking review or other relief as follows:

Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send your request to:

Mary Blubaugh, Executive Director, Board of Nursing
Landon State Office Bldg.
Suite 1051, 900 SW. Jackson
Topeka, KS 66612-1230.

The petition for review shall state its basis, pursuant to K.S.A. 77-527.



Betty Wright
Assistant Attorney General
900 S.W. Jackson, Suite 1051
Topeka, Kansas 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

On the 31st day of Oct, 2003, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to Respondent at

Tina Bruster
313 W. 15th
Winfield, KS 67156



Betty Wright, Assistant Attorney General