

Filed

SEP 15 2005

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF

Barbara Thomas

LICENSE NO. 24-022750-022

CASE NO. 03-394-7

DEFAULT ORDER REVOKING LICENSE

NOW ON THIS 15th of September, 2005, petitioner appears by disciplinary counsel, Betty Wright, for a pre-hearing conference on the petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent was licensed as a LPN through 2/28/2006. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the amended petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking the respondent's license.
4. The petition is hereby granted and incorporated into this order as if set forth herein.

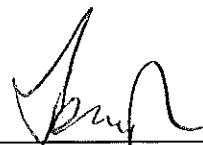
Respondent violated the Nurse Practice Act as alleged in the petition at:

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

K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (s) failing to complete the requirements of the impaired provider program of the board.

5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas. Respondent is to mail the license card to the board immediately.
6. Respondent shall pay the costs of the action of \$70.
7. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

IT IS SO ORDERED



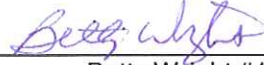
Terry E. Beck
Hearing Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board at:

State Board of Nursing –Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230

within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.

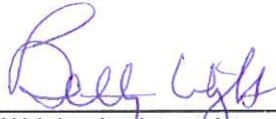


Betty Wright #14785
Disciplinary Counsel
900 S.W. Jackson, Suite #1051
Topeka, Kansas 66612-1230
785/296-7047

CERTIFICATE OF SERVICE

On the 15 day of September, 2005, I deposited a copy of this order with the United States Postal Service, postage pre-paid, addressed to:

Barbara Thomas
12806 14th #70
Grandview, MO 64030



Betty Wright, Assistant Attorney General

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

AUG 9 2005

Board of Nursing

IN THE MATTER OF

Barbara Thomas

LICENSE NO. 24-022750-022

CASE NO. 03-394-7

AMENDED PETITION to REVOKE

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Betty Wright, and for its cause of action states that:

1. Respondent is licensed to practice nursing as an LPN through 2/28/2006.
2. Respondent's address of record is 12806 14th #70, Grandview, MO 64030.
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. On or about 2/27/2003 the licensee was employed as a nurse for a staffing agency at Johnson County Nursing Center, Olathe, Kansas. The facility established that a narcotic had been diluted, and required all staff to have a urine drug screen. The licensee submitted to a UDS on 3/14/03 and the test was positive for marijuana.
6. On 3/14/2003 respondent had a urine drug screen requested by her employer, it was positive for marijuana.
7. On or about 4/1/2003 the respondent self-reported to KNAP regarding respondent's use of marijuana on or about 2/12/2003 at a birthday party.

8. On 4/2/03 the respondent notified KNAP she would no longer participate in KNAP.
9. Respondent became noncompliant with KNAP and on 7/16/2003 KNAP closed her case.
10. On or about 12/2/2004 the board referred respondent to KNAP in order to resolve this case. The Board office spoke with KNAP on or about 2/17/2005. KNAP said that the respondent had not contacted the KNAP office or signed up with the program and her KNAP case was closed again.
11. The respondent signed a Diversion Agreement with the Board on 6/1/2005. In the agreement the respondent agreed to remain compliant with the KNAP program. The Diversion Agreement is attached and included herein.
12. On 8/8/2005 KNAP notified the board that the respondent was noncompliant with their program because of a 7/25/2005 urine drug screen positive for alcohol and cannabinoids..
13. Respondent has violated the Kansas Nurse Practice Act at the following:
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 K.A.R. 60-3-110 (s) failing to complete the requirements of the impaired provider program of the board.

WHEREFORE, petitioner requests a finding that the respondent has violated the nurse practice act and her license should be revoked, and costs of this action should be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Phill Kline
Attorney General

By: _____


Betty Wright
Assistant Attorney General
785-296-7047

CERTIFICATE OF SERVICE

On the 14th day of August, 2005, I deposited a copy of this notice and the above-referenced pleading with the United States Postal Service, postage pre-paid, addressed to:

Barbara Thomas
12806 14th #70
Grandview, MO 64030



Betty Wright, Assistant Attorney General
Kansas State Board of Nursing
900 S. W. Jackson, Ste. 1051
Topeka, Ks 66612-1230
(785) 296-7047