

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

DEC 28 2009

**IN THE MATTER OF
SANDRA J. BLUMER
License No. 24-24840-121**

KSBN

Case No. 09-723-9

SUMMARY ORDER

Now this 26th day of December 2009, 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 Sandra J. Blumer (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FACTS

1. Licensee is licensed to practice nursing in the state of Kansas as a licensed practical nurse through 12/31/2009.
2. Licensee's address according to the Board's records is 1207 Otoe, Marysville, KS 66508.
3. On or about January 28, 2009, Licensee reported to work in a medical clinic under the influence of alcohol (a screening test indicated her breath alcohol concentration was .152) and was sent home.
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. Licensee was permitted to return to work at the clinic with limited responsibilities and no patient contact.

11. On or about April 13, 2009, Licensee became loud and argumentative with a colleague, using inappropriate language, and was tested for alcohol or drug use and sent home.

12. Although the screen was negative, Licensee admitted to having consumed alcohol during the weekend.

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

16. [REDACTED]

17. On or about October 28, 2009, the Board's investigator mailed a letter to Licensee at her address of record, 1207 Otoe, [REDACTED]

18. That letter was returned marked not "deliverable as addressed" and "unable to forward."

19. On or about November 2, 2009, the Board's investigator sent the letter to 1601 Calhoun Street.

20. To date, Licensee has not responded.

21. [REDACTED]

22. [REDACTED]

CONCLUSIONS OF LAW

23. 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, upon making any of the findings listed in K.S.A. 65-1120(a).

24. The Board has jurisdiction over the Licensee and the subject matter of this action.

25. The facts found above support the following findings:

- a. K.S.A. 65-1120(a)(4), Licensee is unable to practice with skill and safety due to current abuse of drugs or alcohol;
 - b. K.S.A. 65-1120(a)(6), Licensee's failure to complete the requirements of the impaired provider program of the board conduct is unprofessional as defined by K.A.R. 60-3-110(s);
 - c. K.S.A. 65-1120(a)(6), Licensee's failure to furnish the board, its investigators, or its representatives with any information legally requested by the board is unprofessional conduct as defined by K.A.R. 60-3-110(t).
26. Pursuant to K.S.A. 65-1117(c)(1)(A), a licensee is required to notify the Board within 30 days of a change of address. Substantially more than 30 days had passed between the time KNAP was aware of Licensee's change of address and the time the Board's investigator's letter was not deliverable to the licensee's address according to the Board's records.
27. Licensee's conduct described herein violates the Kansas Nurse Practice Act.
28. 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 and 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.
29. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
30. Licensee's license to practice nursing in the State of Kansas should be revoked.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

- 1. Licensee's license to practice nursing in the state of Kansas is REVOKED.**
- 2. Licensee shall not practice nursing in the state of Kansas unless and until the license is reinstated upon a showing of sufficient rehabilitation.**

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.

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.


Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

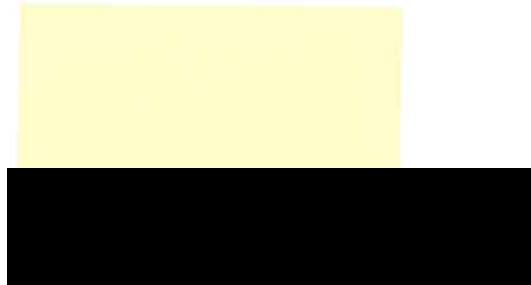
CERTIFICATE OF SERVICE

I certify that on the 28th day of December 2009, the undersigned caused a true and correct copy of the foregoing Summary Order to be served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Sandra J. Blumer
1207 Otoe
Marysville, KS 66508

And

Sandra J. Blumer
1601 Calhoun Street
Marysville, KS 66508



Brenda J. Clary, #18770
Assistant Attorney General