

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING JAN 11 2010

KSBN


IN THE MATTER OF
Latonya M. Morton
License No. 24 24884 092

Case No. 09 617 0
OAH No. 10BN0032

INITIAL ORDER

Now on this 14th day of December 2009, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon, duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears through Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Latonya M. Morton, appears in person.

Findings of Fact

1. The respondent was licensed to practice nursing in the State of Oklahoma. In 2004, she was reprimanded by the Board for failure to properly document medication administration and for diverting drugs.
2. In 2008, the respondent's license to practice nursing in the State of Oklahoma was revoked.
3. The respondent is currently not eligible for reinstatement of her nursing license in Oklahoma.
4. The respondent filed an application to practice nursing in the State of Kansas on May 23, 2009.
5. In July 2009, the respondent was referred to the Kansas Nurse Assistance Program (KNAP). 
6. The respondent reported at hearing that she recently, on November 16, 2009, obtained her own residence. She is employed full time in Lawrence, Kansas. The respondent also reported that she is content with where her life is today.

Conclusions of Law

1. The Board has the authority to deny, revoke, limit, or suspend any license or to deny any application to practice nursing in the State of Kansas. Kansas Statutes Annotated (K.S.A.) 65-1120.
2. The Board may deny an application to practice nursing in the State of Kansas when it is demonstrated that the individual is unable to practice nursing with skill and safety due to current abuse of drugs or alcohol. K.S.A. 65-1120(a)(4).
3. Further, the Board may deny an application to practice nursing in the State of Kansas when the individual is guilty of unprofessional conduct by failing to participate or complete the requirements of the Board's Impaired Provider Program. K.S.A. 65-1120(a)(6) and Kansas Administrative Regulation (K.A.R.) 30-3-110(s).
4. The Board may also limit or deny an application to practice nursing in the State of Kansas when there has been disciplinary action taken by a nursing board of another state. K.S.A. 65-1120.

Conclusion

1. Through her discipline with the Oklahoma State Board of Nursing, the respondent has shown that she cannot safely practice nursing due to use of drugs or alcohol. Due to the appellant's drug use, she failed to correctly document drug administration and diverted drugs for her personal use. The respondent asserts that she is currently not taking drugs and is happy where her life is. The respondent has violated K.S.A. 65-1120(a)(4) and (8).
2. Further, upon filing her application for a license to practice nursing in the State of Kansas, the Board referred the respondent to the KNAP program. The respondent failed to follow through and participate in the KNAP program. This is a violation of K.S.A. 65-1120(a)(6).
3. The respondent has failed to show that she is sufficiently rehabilitated and that she can safely practice nursing in the State of Kansas. The Board's petition to deny the respondent's reinstatement application is affirmed.
4. Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).


Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

OFFICE OF ADMINISTRATIVE HEARINGS


Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On Jan 8, 2010, I mailed a copy of this document to:

Latonya M. Morton
1808 Tennessee, Apt. 1
Lawrence, KS 66049

Mary Blubaugh, Executive Director
Alma A. Heckler, Assistant Attorney General
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612


Staff Person
Office of Administrative Hearings