

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

FILED
MAY 21 2010
KSBPN


IN THE MATTER OF
DONNA M. HENDERSON
License No. 24-25853-021

Case No. 07-678-7, 09-878-0

FINAL ORDER DENYING REVIEW

On May 7, 2010, an Initial Order to Revoke Respondent's License to Practice Nursing in Kansas was entered in the above captioned case. Respondent's request for review of the agency order was received on May 17, 2010. On May 18, 2010, Jeanne Walsh, President of the Kansas State Board of Nursing, determined not to exercise review of Respondent's request for review of an initial order. The initial order is considered final.

IT IS SO ORDERED.


Jeanne Walsh, RN, MSN,
President
Kansas State Board of Nursing

STATEMENT OF AVAILABLE REMEDIES FOR ADMINISTRATIVE AND JUDICIAL REVIEW

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

Any party, within fifteen (15) days after service of a final order, may file a petition for reconsideration with Executive Director Mary Blubaugh, 900 S.W. Jackson, Ste. 1051, Topeka, Kansas 66612. The petition for reconsideration shall state the specific grounds upon which the reconsideration is requested. The filing of the petition is not a prerequisite for seeking judicial review.

A person may seek judicial review of this Final Order in accordance with the Act for the Judicial Review and Civil Enforcement of Agency Actions (K.S.A. 77-601 et seq.) by filing a petition for judicial review in the district court within thirty (30) days after service of this order pursuant to K.S.A. 77-613. The agency officer designated to receive service of process is Executive Director Mary Blubaugh, 900 S.W. Jackson, Ste. 1051, Topeka, Kansas 66612.

CERTIFICATE OF SERVICE

On the 21 day of May, 2010, I mailed a copy of this Final Order Denying Review to:

Donna M. Henderson
2244 E. 77th Terrace
Kansas City, MO 64132

And by hand delivering a copy to:

Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612



Mary Blubaugh, MSN, RN
Executive Administrator
Kansas State Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

KSBN

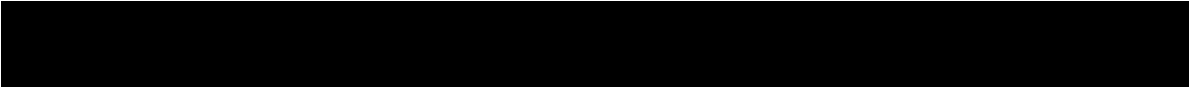
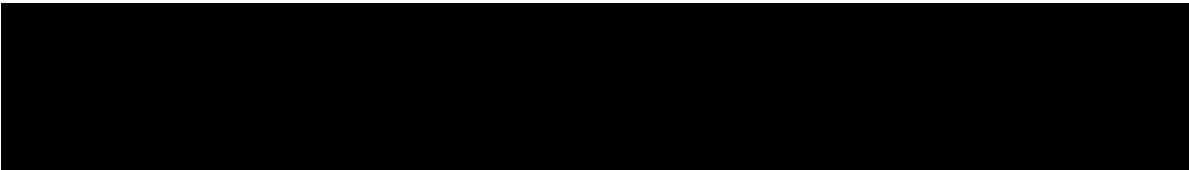
IN THE MATTER OF

Case No. 07 678 7

Donna M. Henderson
License No. 24 25853 02109 878 0
OAH No. 10BN0052**INITIAL ORDER**

Now on this 7th day of April 2010, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon was 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, Donna M. Henderson, appears in person.

Findings of Fact

1. On or about June 12, 2007, the respondent was given a pre-employment drug screen. The respondent tested positive for marijuana in this drug screen.
2. On Jun 18, 2009, the respondent was referred to the Kansas Nurse Assistance Program (KNAP) for evaluation of her safety to practice nursing.
3. 
4. 
5. KNAP was unable to make a determination whether the respondent was safe to practice nursing and closed her KNAP case August 29, 2009.
6. When asked at hearing why the respondent failed to follow through with KNAP, she indicated she did not feel she needed KNAP services.

Conclusions of Law

1. Pursuant to Kansas Statutes Annotated (K.S.A.) 65-1120, the Kansas State Board of Nursing has the authority to revoke any license to practice nursing.
2. Reasons to revoke a license to practice nursing include being guilty of unprofessional conduct. K.S.A. 65-1120.

3. Failing to complete the requirements of the Impaired Provider Program as directed by the Board is unprofessional conduct pursuant to Kansas Administrative Regulation (K.A.R.) 60-3-110.

Discussion

1. In a pre-employment drug screen, the respondent tested positive for drugs.
2. She was referred to the Kansas Nurse Assistance Program and failed to follow through with this referral.
3. The respondent's actions amount to unprofessional conduct pursuant to K.S.A. 65-1120 and K.A.R. 60-3-110(s). The Board has the authority to revoke the respondent's license to practice in the State of Kansas for this unprofessional conduct.

Conclusion

1. The action of the Board is hereby affirmed. The respondent is ordered to return her license to practice nursing to the Board.
2. 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



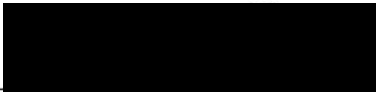
Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On May 7, 2010, I mailed a copy of this document to:

Donna M. Henderson
2244 E. 77th Terr.
Kansas City, MO 64132

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