

BEFORE THE KANSAS STATE BOARD OF NURSING

FILED

DEC 16 2010

IN THE MATTER OF  
TAMMY L. GARRETSON  
License No. 24 030891 102

Case No. 08 731 6  
OAH No. 09 BN0065

KSBN

**INITIAL ORDER**

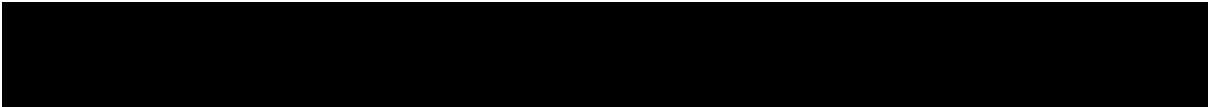
Now on this 30th day of November 2010, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon was duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears through Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Tammy L. Garretson, appears in person.

Findings of Fact

1. On or about March 18, 2009, the respondent entered into a Consent Agreement and Final Order with the Board.
2. In the Consent Agreement and Final Order, the respondent agreed that her license to practice nursing would be suspended but the suspension would be stayed as long as she met the conditions of the Consent Agreement and Final Order.
3. Among conditions outlined in the Consent Agreement and Final Order, the respondent agreed to participate in the Kansas Nurse Assistance Program (KNAP). Further, the respondent agreed that she would submit to random drug screens as directed by KNAP.
4. The respondent further agreed that a positive drug screen was a violation of the Consent Agreement and Final Order.
5. If a violation of the Consent Agreement and Final Order occurred, the respondent had the right to a hearing as to whether she complied with the Consent Agreement and Final Order, but not to contest the original violations of the Kansas Nurse Practice Act which lead to the Consent Agreement and Final Order.
6. The respondent also acknowledged and agreed that upon the first finding that she did not comply with the conditions of the Consent Agreement and Final Order, that a Stay of Suspension of her license to practice nursing would be lifted for a period of six months.
7. On June 9, 2010, the respondent had a positive urinary drug screen for marijuana.

8. Again, on June 30, 2010, the respondent had a positive urinary drug screen for marijuana.

9.



10. Further in the August 12, 2010 letter, the respondent was notified that she was to have a new key restriction for six months when she returned to work.

11. A relapse or a positive urinary drug screen is considered a violation of the respondent's Consent Agreement and Final Order with the Board.

#### Conclusions of Law

1. Per the Consent Agreement and Final Order, at Paragraph 20, the respondent acknowledged that upon the first finding that she did not comply with the conditions or requirements of the Consent Agreement and Final Order, the Stay of Suspension of her license to practice nursing in the State of Kansas shall be lifted for a period of six months.

2. The respondent's positive urinary drug screens on June 9, 2010 and June 30, 2010 are a violation of the Consent Agreement and Final Order she entered into with the Board.

3. Pursuant to the Consent Agreement and Final Order between the respondent and the Board, the Stay of Suspension of her license to practice nursing in the State of Kansas is revoked for six months from the date of this order.

#### Conclusion

The Board's Petition to Life Stay of Suspension is hereby granted.

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 Dec 15, 2010, I mailed a copy of this document to:

Tammy L. Garretson  
1521 Thornton  
Parsons, KS 67357

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