

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**JAN 21 2016**

**KSBN**

**IN THE MATTER OF**

**Tammy Lynn Tuck**

**License No. 24-34801-092**

**Case No. 15-1177-7**

**SUMMARY ORDER TO SUSPEND**

Now on this 21<sup>st</sup> day of January, 2016, 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 nurse license of Tammy Lynn Tuck, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

1. a. Licensee is licensed to practice nursing in the state of Kansas through September 30, 2016. The Board has jurisdiction over the Licensee and the subject matter of this action.  
b. Licensee's address of record is 209 N. Lime, Sarasota FL 34234.
2. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
3. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. Pursuant to K.S.A. 74-1110 the Kansas State Board of Nursing may also assess a civil fine not to exceed \$1,000.00 for the first violation of a law or rule and regulation applicable to the practice for which such person has been granted a license.
4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Applicant violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.

**FINDINGS OF FACT**

5. (a) On May 11, 2015, while employed as a nurse at Lamar Court Assisted Living, the licensee reported to work while impaired. She was terminated by her employer for failing a for-cause drug screen.  
(b) Some time in late summer or fall of 2015 the licensee voluntarily entered into a long term rehabilitation program in Florida.  
(c) While it appears the licensee remains in the above mentioned long term program and

will "graduate" in May 2016, this is not a program approved by the Kansas State Board of Nursing, or one that operates under the supervision of, or reports to, the Board of the Kansas Nurse Assistance Program (KNAP).

(d) Licensee has indicated her intention to return to Kansas and resume nursing.

(e) There are insufficient facts from which to conclude the licensee is safe to practice nursing, either now or upon her "graduation."

### VIOLATIONS

6. The above fact findings establish evidence that the Licensee violated the following provisions of the Kansas Nurse Practice Act:


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.

7. 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, 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, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

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

- 1. Licensee's license is suspended.**
- 2. Licensee shall not practice nursing in the state of Kansas.**
- 3. Licensee is referred for a KNAP evaluation to be conducted upon her return to Kansas; it is Licensee's responsibility to contact KNAP to initiate this on her return. The results of that evaluation may allow for the lifting of this suspension.**

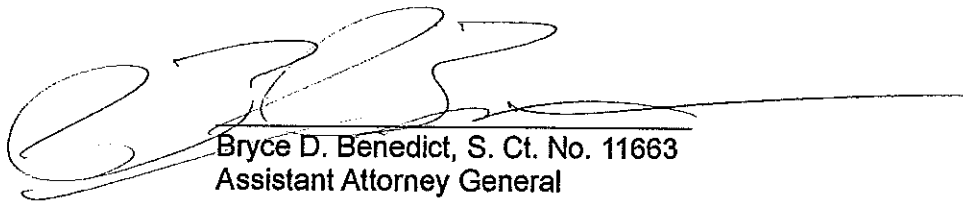
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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.

  
Judith Hiner, RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 21st day of January, 2016, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Tammy Lynn Tuck  
209 N. Lime  
Sarasota FL 34234

  
Bryce D. Benedict, S. Ct. No. 11663  
Assistant Attorney General

Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson St., Suite 1051  
Topeka, KS 66612-1230



Phone: 785-296-4929  
Fax: 785-296-3929  
www.ksbn.org

Mary Blubaugh, MSN, RN  
Executive Administrator

Kansas State Board of Nursing

Sam Brownback, Governor

January 21, 2016

Heart of America Professional Network, Inc.  
Cloverleaf Complex Building #3  
6405 Metcalf Suite 502  
Overland Park KS 66202

ATTN: Alan Murray, Executive Director

RE: Tammy Lynn Tuck  
KSBN Case no. 15-1177-7

Dear Mr. Murray:

On behalf of the Kansas State Board of Nursing (KSBN), I would like to refer the above individual to the Kansas Nurses Assistance Program for an evaluation of chemical dependency.

Address: 209 N. Lime, Sarasota FL 34234

License No.: 24-34801-092

D.O.B.: 9-24-1970

Phone: 941 955-1801

Enclosed is a copy of the Summary Order, Ms. Tuck's statement of 9-28-14 [sic], and a letter of 9-30-15 from Lindsey Strauch.

If you have any questions please feel free to contact me at 785-296-4325, or at the email address below.

Sincerely,

Bryce D. Benedict  
Assistant Attorney General  
Disciplinary Counsel, Kansas Board of Nursing  
[bryce.benedict@ksbn.state.ks.us](mailto:bryce.benedict@ksbn.state.ks.us)

cc w/o enclosure(s): Tammy Tuck