

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF AMY S. THOMPSON**

EFFECTIVE AS A  
FINAL ORDER

FILED

DEC 05 2016

License No. Endorsement Applicant  
Case No. 16-383-0

DATE: 12-23-16

KSBN

SUMMARY ORDER

Now on this 5<sup>th</sup> day of December, 2016, this matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1106 and K.S.A. 65-1120, to find facts and take disciplinary action against the Applicant, Amy S. Thompson, by way of Summary Order pursuant to K.S.A. 77-537. Upon review, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

FINDING OF FACTS

1. Applicant's address of record is 900 N. Spruce St., Creston IA, 50801.
2. In County Court of Douglas County, Nebraska case CR10-27261, Applicant was convicted of Driving Under the Influence on or about March 24, 2003.
3. In County Court of Sarpy County, Nebraska case CR06-2877, Applicant was charged with DUI -2<sup>nd</sup> offence, refusal to submit test, and fail to appear when on bail. Applicant plead to Reckless Driving and was sentenced to 3 days in jail on or about October 2, 2006.
4. On or about July 29, 2014, Applicant and her spouse were evicted from a campsite at Lake Manawe State Park by a Park Ranger. Applicant did not leave and the Ranger asked for her drivers license. Applicant walked away and was uncooperative with the officers. Officers detected the strong order of alcohol coming from her person and noticed that she had a slight slur to her speech.

5. Applicant was convicted of Misdemeanor Public Intoxication, Iowa Code §123.46 and Misdemeanor Interference with Official Acts, Iowa Code §719.1 on August 6, 2014 in the District Court of Iowa in and for Pottawattamie County, case no. 04781 SMMG148336.
6. Between 1999 and 2015, Applicant had multiple additional arrest that were charged and later dismissed.
7. Applicant submitted an application to be endorsed as an LPN in Kansas on March 24, 2016. Applicant was licensed as an LPN in Iowa in 2015.
8. Based on Applicant's extensive history of alcohol related offenses, the Board referred Applicant to the Kansas Nurses Assistance Program (KNAP) to be evaluated for a chemical dependency evaluation.
9. The Board sent Applicant a letter on June 20, 2016 stating that Applicant was being referred to KNAP for an evaluation and if the evaluation was positive for impairment, she would be required to sign a contract with KNAP.
10. KNAP sent Applicant two requests to sign the necessary release forms and schedule an evaluation. Applicant did not responde and therefore KNAP closed her file.

#### APPLICABLE LAW

11. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106(c)(4) and K.S.A. 65-1120(a) to examine, license, renew or reinstate licenses and may limit, deny, suspend or revoke a license or authorization to practice nursing, and may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110.
12. The Kansas State Board of Nursing may deny a license as a Licensed Practical Nurse nurse if the applicant is deficient in qualification, or in the quality of education, or if there are disqualifying factors under K.S.A. 65-1120 and amendments thereto. K.S.A. 65-1116 (a) & (b) & (c)(1).
13. Disqualifying factors include K.S.A.65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

14. Disqualifying factors include K.S.A.65-1120(a)(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board, K.A.R.60-3-110(s) failing to submit to a mental or physical examination or an alcohol or drug screen, or any combination of these, when so ordered by the board pursuant to K.S.A. 65-4924 and amendments thereto, that the individual is unable to practice nursing with reasonable skill and safety by reason of a physical or mental disability or condition, loss of motor skills or the use of alcohol, drugs, or controlled substances, or any combination of these; and/or (t) failing to complete the requirements of the impaired provider program of the board.

#### CONCLUSIONS OF LAW

15. The Board has jurisdiction over the Applicant and the subject matter of this action, and such proceeding is held in the public interest.

16. The Board finds that the above facts support numerous disqualifying factors under K.S.A. 65-1120, justifying denial of an application and therefore the Applicant has not met the requirements for approval of a Kansas RN license.

17. Based on the facts and circumstances set forth, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board give notice and opportunity to participate to persons other than Applicant.

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

- 1. Applicant's endorsement application for licensure as a Licensed Practical Nurse in Kansas is denied.**
- 2. Applicant shall not practice nursing in Kansas.**

*Judith Hiner RN BSN*

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

NOTICE OF RIGHTS

Pursuant to K.S.A. 77-537, this Summary Order shall become effective as a Final Order, without further notice, if no hearing is requested within fifteen (15) days of service. 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. 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.

CERTIFICATE OF SERVICE

I certify that on the 5<sup>th</sup> day of December, 2016, the foregoing copy of the Summary Order was severed by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Amy S. Thompson  
900 N. Spruce St.  
Creston IA, 50801

*Michelle David*

Michelle David # 26982  
Special Assistant Attorney General

NOTICE

PLEASE TAKE NOTICE that this is a Final Order. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition must be filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I certify that on the 23<sup>rd</sup> day of December, 2016, the foregoing copy of the Summary Order, now final was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Amy S. Thompson  
900 N. Spruce St.  
Creston IA, 50801



Michelle David # 26982  
Special Assistant Attorney General