

IN THE MATTER OF  
Leona B. Bohling  
License No. 13 082107 012

Case No. 07 122 8  
OAH No. 09BN0078

### INITIAL ORDER

This matter comes on for hearing on May 19, 2009 before the Kansas State Board of Nursing. Sandra L. Sharon is duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears by Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Leona Bohling, appears in person.

#### Findings of Fact

1. While employed as a nurse at a Topeka correctional facility, the respondent called in an unauthorized prescription for Lortab for herself. The prescription was called in under the name of an ARNP on staff at the correctional facility.
2. This information was reported to the Kansas State Board of Nursing and the respondent was referred to the Kansas Nurse Assistance Program (KNAP). The respondent entered into a Statement of Understanding with the KNAP on June 23, 2008.
3. The respondent was diagnosed as opiate dependent and a treatment plan was devised for her.
4. By a letter dated September 11, 2008, KNAP closed the respondent's case with them for non-compliance. The respondent does not deny that she failed to complete her agreement with KNAP.

#### Conclusions of Law

1. The Board has authority to deny, revoke, limit, or suspend a license to practice nursing in the State of Kansas pursuant to Kansas Statutes Annotated (K.S.A.) 65-1120.
2. Disciplinary action can be taken against a license under many circumstances, including:
  - Unable to practice with skill and safety due to current abuse of drugs or alcohol. K.S.A. 65-1120(a)(4).
  - Unprofessional conduct by failing to complete the requirements of the Impaired Provider Program of the Board, K.S.A. 65-1120(a)(6) and Kansas Administrative Regulation (K.A.R.) 60-3-110(s).

- Unprofessional conduct by performing acts beyond the authorized scope of the level of nursing for which an individual is licensed. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(a).

#### Conclusions

1. The respondent has violated the Kansas Nurse Practice Act by being unable to practice with skill and safety due to abuse of drugs or alcohol and by failing to comply with her agreement with the Impaired Provider Program.
2. Further, the respondent has violated the Kansas Nurse Practice Act by fraudulently calling in prescriptions, which is an act beyond the level authorized by her license.
3. The Board's Petition to Revoke the respondent's license is hereby granted.
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

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Sandra L. Sharon  
Presiding Officer  
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On July 2, 2009, I mailed a copy of this document to:

Leona B. Bohling  
1735 NW Lyman Rd., Lot 8  
Topeka, KS 66608

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

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Staff Person  
Office of Administrative Hearings