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DEC 1 8 2005

BEFORE THE KANSAS STATE BOARD OF NURSING

Board of Nursing

IN THE MATTER OF  
Sarah Boos  
License No. 14-61116-112

Case No. 05-137-0  
OAH No. 06BN0005

**INITIAL ORDER**

On the 23<sup>rd</sup> of November, 2005, the above-captioned matter comes on for hearing before the Office of Administrative Hearings. The petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Betty Wright. The respondent, Sarah Boos, appears in person. The prehearing and hearing in this matter were held by conference call.

FIINDINGS OF FACT

1. The respondent has applied for a license to practice nursing with the Kansas State Board of Nursing.
2. The respondent's address is 1405 Cedar Ridge Circle, Raymore, Missouri. Notice of Prehearing Conference was sent October 19, 2005, service is proper.
3. Pursuant to K.S.A. 77-516, the prehearing was converted to a hearing on November 23, 2005.
4. The respondent was first licensed to practice nursing in the State of Kansas in January 1990. She was endorsed from the State of Missouri. The respondent was licensed to practice nursing in Missouri in 1987.
5. In 1992, the respondent took Demeral from her work site and injected it into herself when she was off duty. The respondent was referred to the Kansas Nurse Assistance Program (KNAP). The respondent successfully completed the KNAP program in 1995.
6. In the year 2000, the respondent diverted Percocet from a patient while at work and consumed it when she was off duty. The respondent went into in-patient treatment for addiction for three (3) days and completed extensive out-patient treatment for addiction with Menningers. The respondent was once again placed with KNAP. The respondent successfully completed KNAP in 2003.
7. In 2004, the respondent allowed her Kansas license to practice nursing lapse.
8. In January 2005, the respondent diverted Morphine out of a sharps container. She also diverted needles and syringes from her employer. The respondent

injected the Morphine into herself while off duty. The next day, after completing work, the respondent was summoned by her employer to provide a urine sample. The urine analysis was positive for Morphine.

9. The respondent currently has an action pending against her license in the State of Missouri. Since January 2005, the respondent has participated in Narcotics Anonymous, obtained a new sponsor, has seen a psychiatrist and an out-patient therapist.
10. The respondent's psychiatrist, Kenneth Sonnenschein, MD, and the respondent's out-patient therapist, Ann Schmidt, LSCSW have both written letters of recommendation for the respondent indicating that she is in recovery. Carol Dickerson, ARNP, works with the respondent. Ms. Dickerson indicates that she has not seen any behaviors from the respondent that would concern her. She believes the respondent takes care of her patients well and is an asset to her work facility.

#### CONCLUSIONS OF LAW

1. Pursuant to the Kansas Nurse Practice Act, at K.S.A. 65-1120(a)(6), the Kansas Board of Nursing may deny an applicant a license to practice nursing if it is found that the individual is guilty of unprofessional conduct.
  2. Kansas Administrative Regulation (K.A.R.) 60-3-110 addresses unprofessional conduct. K.A.R. 30-3-110(n) defines an act of diverting drugs, supplies, or property of any patient or agency as unprofessional conduct. In the case at hand, as recently as January 2005 the respondent has diverted drugs and supplies from an agency for her personal use.
  3. Each time the respondent has relapsed into addictive behavior, she has diverted drugs and supplies from a patient or employer.
  4. The Presiding Officer finds that the respondent has violated the Kansas Nurse Practice Act by acts of unprofessional conduct as defined above. Pursuant to K.S.A. 65-1120, the Board has properly denied the respondent's application to practice nursing in the State of Kansas.
  5. Further, pursuant to K.S.A. 65-1120(d) costs of \$70.00 are hereby assessed to the respondent.
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Appeal Rights and Other Administrative Relief

The procedures available and time limitations for seeking review or other relief as follows: Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send you request to:

Mary Blubaugh, Executive Director, Board of Nursing  
Landon State Office Building  
Suite 1051, 900 SW Jackson  
Topeka, KS 66612-1230

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

OFFICE OF ADMINISTRATIVE HEARINGS

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Sandra L. Sharon  
Presiding Officer  
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On Dec 15, 2005, I mailed a copy of this document to:

Sarah Boos  
1405 Cedar Ridge Circle  
Raymore, MO 64083

Betty Wright  
Assistant Attorney General  
Disciplinary Counsel for the Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612

\_\_\_\_\_  
Staff Person  
Office of Administrative Hearings

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