

August 15th, 2007

Kayle D. Atwater-Vera
1709 E 7th Ave
Winfield, KS 67156

Case No. 05-723-6
License No. 23-019490-091

SUMMARY ORDER

Dear Ms. Atwater-Vera:

The Investigative Committee of the Kansas State Board of Nursing (KSNB) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a licensed practical nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) Respondent submitted an application to the Board for reinstatement as a licensed practical nurse in the State of Kansas on August 14, 2006.

(b) Respondent had an LPN license No. 19490-091 and let it lapse on 9/30/2005. An investigative file was opened after a report was received that alleged the respondent displayed odd behavior at work and when asked to complete a UDS, she tested positive for cocaine and amphetamines. The date of violation was 5/31/2005. The respondent was referred to Kansas Nurses Assistance Program (KNAP) but the respondent chose to let her license lapse rather than enter KNAP. When respondent filed the reinstatement, she contacted the Board Investigator Karen Peschka, and told Ms. Peschka she had never entered KNAP and she would now self-refer to KNAP. Respondent stated she had no intention of working as a nurse but wanted to be re-licensed in case she changed her mind.

(c) On August 6, 2007, KNAP indicated the respondent's KNAP case had closed unsuccessfully on 10/17/06. The respondent has failed to prove she is safe to practice at this time.

CONCLUSIONS OF LAW

2. 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. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(a) 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.

(b) Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (s) failing to complete the requirements of the impaired provider program of the board.

3. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application in whole or in part.

4. Your conduct described herein violates the Kansas Nurse Practice Act.

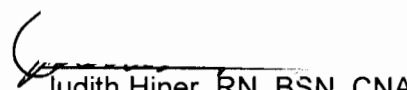
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

7. 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.


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

CERTIFICATE OF SERVICE

I certify that on the 15th day of August, 2007, 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:

Kayle D. Atwater-Vera
1709 E 7th Ave
Winfield, KS 67156

Alma A. Heckler, #11555
Assistant Attorney General