

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
CHI R. BIEHLER
License No. 23-022974-081**

Case No. 06-331-4, 08-807-0

FILED

APR 28 2009

KSNB

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

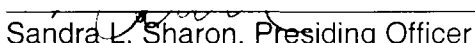
NOW ON THIS 28th day of April, 2009, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 8/31/2009. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas licensed practical nurse license to the Kansas State Board of Nursing.

8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.


IT IS SO ORDERED.


Sandra L. Sharon, Presiding Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at:

State Board of Nursing - Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230


Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 28th day of April, 2009, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Chi R. Biehler
316 E. Franklynn
Herington, KS 67449


Alma A. Heckler
Assistant Attorney General

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FEB 04 2009

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IN THE MATTER OF

CHI R. BIEHLER

License No. 23-022974-081

Case No. 06-331-4, 08-807-0

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas through 8/31/2009. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 316 E. Franklynn, Herington, KS 67449.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:
 - (a) In Kansas State Board of Nursing (KBON) Case No. 06-331-4, Respondent was investigated for diversion of pain medication. Respondent visited a hospice patient at home on 2/15/06 and provided care. Respondent returned on 3/1/06 and asked patient if Respondent could wash her hands and went to patient's bathroom. Patient kept medications in her

bathroom. Patient reported pain medication was missing. Respondent was not assigned to work in patient's home on 3/1/06. After an investigation by KBON, Respondent was directly referred to the Kansas Nurse Assistance Program (KNAP) on or about March 20, 2006.

(b) Respondent signed a Statement of Understanding with KNAP on April 29, 2008. Respondent completed one urinalysis on 5/28/2008 but did not complete any other KNAP requirements. Respondent's KNAP case was closed for non-compliance on 9/10/08. The Board opened a new investigative case, Case No. 08-807-9. Respondent claimed she had a corneal transplant in June of 2008 and was not working. The date and paperwork received by KNAP were suspicious and may have been altered. Respondent has a history of significant mental health problems and an involuntary hospitalization in 2007. Respondent self reported her use of marijuana and methamphetamines starting in 2007. Respondent reported she had a suicide attempt in 2007.

(c) Respondent was directed by KNAP to stop working until she could be determined to be safe to practice. Respondent is not safe to practice and has not provided any information to the Board to demonstrate her safety to practice.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

Count 2: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

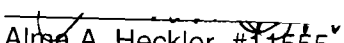
Count 3: K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d).

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110 (s)

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Stephen N. Six
Kansas Attorney General

By: 
Alma A. Heckler, #11555
Assistant Attorney General

