

Filed

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FEB - 4 2004

Board of Nursing

In The Matter Of  
Monica Dunavan  
LICENSE NO. 13-053825-041

CASE NO. 02-216-3, 02-278-3

**CONSENT AGREEMENT TO LIMIT LICENSE AND SUSPEND LICENSE WITH A STAY**

**AND FINAL ORDER**

NOW ON THIS 30<sup>th</sup> day of January, 2004, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Monica Dunavan, enter into the following agreement:

1. Respondent is licensed to practice nursing through 4/30/2005.
2. After an investigation, the Board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act and referred this matter for further proceedings.
3. Respondent has the right to a hearing with evidence and witnesses to establish evidence of his/her fitness to practice nursing and to seek review of the findings from that hearing in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Respondent and the Kansas State Board of Nursing are waiving those rights and voluntarily entering into this consent agreement instead of proceeding to such a hearing.

**AGREED FINDINGS OF FACT**

4. Respondent has a long history of drug and alcohol abuse. [REDACTED]  
[REDACTED] While employed at Smith County Memorial Hospital, Smith Center, KS. she admitted to taking a patient's Demerol and morphine because of stress in her life. [REDACTED]

[REDACTED]

5. [REDACTED] she admitted in KSBN case 92-037-3 that while employed at Smith County Memorial Hospital, Smith Center, Ks. she stole a patient's Demerol for her own use.

6. [REDACTED]

[REDACTED] Respondent explained she had accidentally taken a relatives pills, they had been mixed with her prescription pills. [REDACTED]

[REDACTED]

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7. While employed at Smith County Memorial Hospital, Smith Center, KS respondent was found to have taken duralgesic patches or removed the gel material from the patches of two patients: TM and LL. The investigation revealed that the drug diversions had been occurring for a possible two months prior to detection. The respondent was terminated 4/19/02.

**CASE 02-216-03**

8. Respondent diverted controlled substances for her own use from a former patient, DH, of the Smith County Memorial Hospital, Smith Center, KS. The patient was known to the respondent while respondent was employed as a nurse in the hospital. The patient had been transferred to a nursing home, Infinia of Kensington in March 2002. Respondent located where the patient was discharged by first going to Infinia of Smith Center and inquired if the patient, DH, was there. Staff informed her that the patient was at Infinia of Kensington. Respondent asked staff for the names of residents who were on duralgesic patches, she claimed she was doing a pain study. The staff at Infinia of Smith Center began to notice that the respondent visited this patient 3 times per week, on new patch days. On 4/20/03 they noticed the patch was missing from DH, and the respondent had been visiting that day. When challenged, she came back in to the patient's room, and the patch had been

put back on, but all of the gel had been removed. The respondent diverted a controlled substance from patients for her own use.

9. On 4/22/03, after being terminated from the hospital, the respondent appeared at the home of a Hospice patient, FK. She claimed a doctor had ordered her to view the patient's medications. She took the medications to another room and left in a hurry, the patient stated the respondent had done this some days before. When the patient contacted the hospital to see if the visit was authorized, they were told that the respondent was no longer an employee, they called the police. The respondent fraudulently entered a private home.

#### CONCLUSIONS OF LAW

10. **Count 1:** Respondent has violated the Kansas Nurse Practice Act(a) K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion (K.A.R. 60-3-110(n) and

**Count 2:** K.A.R. 60-3-110(d) by inaccurately recording, falsifying, or altering any record of a patient, or agency or of the board.

**Count 3:** K.S.A. 65-1120(a)(1) to be guilty of fraud or deceit in practicing nursing.

#### POLICY STATEMENT

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

#### DISPOSITION

12. By entering into this Consent Agreement and consenting to the entry of the Final Order, both parties waive their right to full administrative proceedings pursuant to K.S.A. 65-1120(b) and K.S.A.77-501 *et seq.* and to judicial review.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the current license will be **limited** and immediately **suspended** but such **suspension shall be stayed. A new card will be issued with an "S" and an "L."** Licensee is to return the current card with this agreement. Licensee will be allowed to practice under the following conditions:

a. Licensee shall participate in and complete the recommendations and requirements of the **Kansas Nurses Assistance Program (KNAP)**; sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report information to the board.

b. due to a prolonged history of substance abuse, licensee agrees to a **narcotic key restriction**, no passing of narcotics, no wasting of narcotics for **five (5)** years;

c. Licensee shall send a **money order for \$70** to the Board upon entering into this agreement.

14. Licensee is responsible for the costs related to satisfying these conditions.

15. If licensee does not meet these requirements, petitioner will file a motion to lift the stay and may request additional sanctions against licensee's license or application for a license. Licensee would be sent notice of such action and would be entitled to a hearing as to whether he/she had complied with this agreement, but he/she could not contest the established violation(s).

16. Licensee agrees to notify the Legal Division of any changes in address and phone number as well as all nursing employment terminations or employer changes or additions. All such notifications shall be made within fourteen (14) days of such a change.

17. Licensee shall immediately notify the Legal Division of any use of alcohol, or controlled substances, or any violation of this Consent Agreement and Final Order.

18. **The Board will inactivate this case file when KNAP sends a letter stating she has successfully completed the KNAP program and a letter is written by licensee no sooner than January 2009 to lift the key restriction.** This agreement does not prohibit the agency from taking disciplinary action against licensee's license for any additional or cumulative violation of the Nurse Practice Act committed by the licensee before or after this

agreement is entered into.

19. The parties understand and acknowledge that this is a disciplinary action; it will be in the newsletter and on the website. The original of this agreement shall be placed in the Agency Record and is a public record.

20. By signing this Consent Agreement, respondent acknowledges that licensee has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement constitutes the entire agreement of the parties and may not be modified except in writing and approved by all parties.

### **IN CONCLUSION**

21. This case will be inactivated and a card with **no limit** or **suspension** will be issued when:

- a) KNAP issues a letter of successful completion of the KNAP program **and**
- b) A letter is received from the licensee requesting the key restriction be removed no sooner than **January 2009**.
- c) cost of **\$70** is paid.

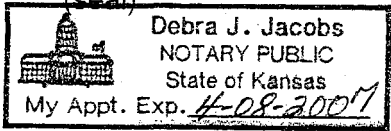
22. Once all of the above are met, the licensee may request that an unencumbered license be issued by sending the request in writing and returning the license card with the "S" and "L" to the Board; if all requirements are met a new card will be issued with no restrictions.

**IN WITNESS WHEREOF**, the parties hereto execute this CONSENT AGREEMENT  
TO LIMIT LICENSE AND SUSPEND LICENSE WITH A STAY AND FINAL ORDER.

\_\_\_\_\_  
Monica Dunavan  
Licensee  
219 W. Court  
Smith Center, KS 66048.

State of Kansas )  
County of SMITH ) SS

Subscribed to before me by Monica Dunavan on January 30<sup>th</sup>, 2004.  
(seal)



\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Betty Wright, #14785  
Assistant Attorney General  
900 SW Jackson, Suite 1051  
Topeka, Kansas 66612-1230  
(785) 296-4325

IT IS SO ORDERED.

\_\_\_\_\_  
Terry Beck ✓  
Hearing Officer

**CERTIFICATE OF SERVICE**

On the Sunday of February, 2004, I caused a copy of this document to be mailed, postage prepaid, to:

Monica Dunavan  
219 W. Court  
Smith Center, KS 66048

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Betty Wright, Assistant Attorney General