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Board of Nursing

KANSAS

KANSAS STATE BOARD OF NURSING
MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

August 31, 2004

Rachael Hayes
1199 E Sante Fe
Lot #177
Gardner, KS 66030

Case 02-012-7, 02-277-7

SUMMARY ORDER

Dear Ms. Hayes:

The Disciplinary Committee of the Kansas State Board of Nursing has reviewed your application materials and on behalf of the Board members I am denying your reinstatement application to practice nursing as a registered nurse. This denial is based upon the following:

FINDINGS OF FACT

1. Respondent has submitted an application for a reinstatement of her RN license received by the Board 8/13/2004.
2. Licensee has a previous KSBN case: 00-539-7. Respondent was working as an RN and was employed by a staffing agency. On or about 10/5/2000 the controlled substance count was off by two (2) Toradol. Respondent was the only staff member to access the system during the twenty-four (24) hour period. She had charged the Toradol to a patient who did not have an order for the drug. The pharmacist notified the respondent that the Toradol wasn't ordered for the patient and the respondent stated she would return the Toradol. The respondent accessed the system to "restock modify", but the Toradol remained missing.
3. During the night shift of 10/10/2000 respondent accessed the SureMed system to dispense Ibuprofen 800mg and Darvocet N 100. Respondent did not document either medication as administer to the patient whom the medication had been charged. This occurred twice during a twelve (12) hour shift. On 10/11/2000 the respondent accessed the SureMed system to dispense Tylenol #3 (2 tabs). Respondent did not document administration of the medication to the patient to whom it had been charged. The patients for the 10/10/2000 and 10/11/2000 incidents were interviewed and denied receiving the Darvocet N, Tylenol #3, or Ibuprofen.
4. On November 21, 2001 the respondent's RN license was Revoked by Default Order.
5. Licensee has a previous KSBN case: 02-012-7. On or about 5/10/2001 the respondent was employed by a physician's office. While working there the respondent requested medication refills for Amitriptyline from a doctor who had not prescribed the medication for her. She was terminated for calling in prescriptions for herself.
6. Licensee has a previous KSBN case: 02-227-7. On or about 4/4/2002, after

termination from her previous employer due to case 02-012-7, the respondent attempted to obtain Provigil under the name of a doctor from her previous employer without a valid prescription. The respondent was not a patient of that doctor or any other provider within the practice.

7. Licensee has a previous KSBN case: 02-330-7. From 12/6/2001 to 6/27/2002 the respondent was employed by a nursing staffing agency. The respondent practiced unlicensed after her revocation on 11/21/2001.

CONCLUSIONS OF LAW

8. K. S. A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found to be guilty of:

K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct by diverting drugs, supplies, or property of any patient or agency. K.A.R. 60-3-110(n);

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

K.S.A. 65-1120(a)(1) to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;


K.A.R. 60-3-110 (v) practicing without a license or while the license has lapsed;

K.A.R. 60-3-110 (a) performing acts beyond the authorized scope of the level of nursing for which the individual is licensed;

6. 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.
7. Your conduct described herein violates the Kansas Nurse Practice Act.
8. If the information provided is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.
9. 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.


Kelly Arpin, L.P.N.

CERTIFICATE OF SERVICE

I certify that on the August day of 31st, 2004, 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:

Rachael Hayes
1199 E Sante Fe
Lot #177
Gardner, KS 66030



Betty Wright
Assistant Attorney General