

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

SEP 29 2014

IN THE MATTER OF MISTY DAWN LATTA

KSBN

License No 13-101900-052

Case No. 13-2233-4 and 14-1495-4

SUMMARY ORDER

NOW ON THIS 29th day of September 2014, THE ABOVE MATTER COMES

BEFORE THE Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. This Licensee is licensed to practice nursing in the State of Kansas until 31st May 2016. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 1520 Washington Harper, Kansas 67058.
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. Review of the information gathered by the Board revealed the following upon which this action is based.
 - (a) According to the report, it is alleged that licensee had noncompliance issues with the Kansas Nurse Assistance Program.
 - (b) Licensee failed to provide a Urine Drug Screen on a date randomly selected.
 - (c) This incident allegedly occurred on or about the 17th day of December, 2013.
 - (d) Licensee entered into the Diversion Program with KSBN and was referred back to KNAP on the 11th day of April, 2014.
 - (e) On the 12th day of August, 2014, Licensee entered into a contract with KNAP.

- (f) Licensee admitted to obtain 4 Lortab from her father and took them all at the same time because licensee was upset.
- (g) According to a report, it is alleged that licensee relapsed with the KNAP twice.
- (h) First when licensee admitted diverting Lortab from her employer Anthony Community Care, Anthony, Kansas.
- (i) Licensee admitted to stealing a resident's Lortab because she is an addict.
- (j) Licensee admits to taking 30 pills a day.
- (k) She was taken to the ER to be evaluated for suicidal thoughts.
- (l) This incident allegedly occurred on or about the 30th day of July, 2014.
- (m) Licensee was terminated from her employment for drug diversion on the 31st day of July, 2014.
- (n) It is alleged that criminal charges were filed in Harper County Kansas in Case No. 14CR140 for theft of narcotics.
- (o) It is further alleged that licensee's second relapse was when licensee informed KNAP that she had been taking Lortab that was not prescribed for her that belonged to a family member.
- (p) This incident allegedly occurred on or about the 25th day of August, 2014.
- (q) Licensee KNAP case was closed as unsuccessful on the 23rd day of September, 2014.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by diversion of narcotics which is a serious breach of the public trust and a violation of the Kansas Nurse Practice Act.

CONCLUSIONS OF LAW

a K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

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

c. K.S.A. 65 1120(a)(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board by violating the existing policies and procedures of the medical facility KAR 60-3-110 (n).

d. K.S.A. 65-1120 (3) to be guilty of unprofessional conduct as defined as by rules and regulations of the board by violating the existing policies and procedures of the medical facility KAR 60-3-110 (t) failing to furnish the board, its investigators, or its representative with any information legally requested by the board.

e. K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

f. K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

6. 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 authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by diverting drugs, supplies or property of any patient or agency KAR 60-3-110 (n).

Count 3: K.S.A. 65 1120(a)(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board by violating the existing policies and procedures of the medical facility KAR 60-3-110 (n).

Count 4: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct as defined by rules and regulations of the board by failing to furnish the board, its investigators, or its representative with any information legally requested by the board.

Count 5: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 6: K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings do not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.

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

POLICY STATEMENT

1. Truthfulness is a paramount attribute for the nursing profession and fraud and deceit in the nursing practice is a violation of the Kansas Nurse Practice Act.
2. Criminal activity and diversion of narcotics are damaging to the nurse profession and a violation of the public trust.
3. Abuse of drugs poses a danger to the public and makes this nurse unsafe to practice.

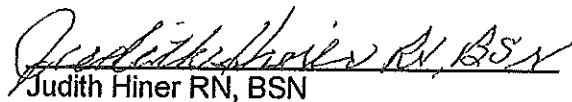
4. Inability or unwillingness to comply with the requirements of the Impaired Provider Program (KN AP) poses a danger to patients and the public at large.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. **The Diversion Agreement with KSBN has been violated and is hereby revoked.**
2. **Licensee's license is revoked.**
3. **Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing.

Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

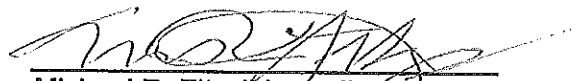

Judith Hiner RN, BSN

Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 29th day of September, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Misty Dawn Latta
1520 Washington Street
Harper, Kansas 67058


Michael R. Fitzgibbons #12287
Assistant Attorney General