

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
Kimberly MaShiele Moore**

**License No. 13-105030/Reinstatement
Case No. 10-082-8**

SUMMARY ORDER

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

1. Applicant, Kimberly Moore filed an application for reinstatement on March 21, 2016. The Board has jurisdiction over the applicant and the subject matter of this action.
2. Applicant's address of record is 524 W. 4th, Holton KS 66436.
3. The Kansas State Board of Nursing may deny a license as a registered nurse if the applicant is deficient in qualification, or in the quality of education, or if there are disqualifying factors under K.S.A. 65-1120 and amendments thereto. K.S.A. 65-1115 (a) & (b) & (c)(1). Among the disqualifying factors enumerated in K.S.A. 65-1120 is unprofessional conduct as defined by the rules and regulations of the Kansas State Board of Nursing. K.S.A. 65-1120(a)(6). Unprofessional conduct is defined by K.A.R. 60-3-110.

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.

4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent is neither competent nor qualified to practice, and referred this matter for further proceedings.

5. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

STATEMENT OF FACTS

6.

(a) Applicant entered into a Final Order and Consent Agreement on or about April 4, 2012 in which the applicant's nursing license was revoked.

(b) Pursuant to this Final Order the applicant stipulated to the following facts:

(i) Licensee has twice entered into the Kansas Nurse Assistance Program (KNAP). Respondent self-referred on or about 4/25/2005 and completed the program on 4/25/2008.

(ii) Licensee was referred a second time to KNAP by St. Francis Hospital in Topeka, Kansas. Licensee admitted to staff and personnel at St. Francis Hospital in Topeka, Kansas that she diverted narcotics, including lortab, percocet and oxycodone and was caught by pharmacy staff attempting to pass a forged script. St. Francis terminated her employment on or about 12/30/2009.

(iii) Licensee entered KNAP on or about 3/19/2010 with an estimated completion date of 3/19/2013 Licensee was unsuccessfully discharged from KNAP on or about August 25, 2011 due to her failure to update her prescriptions, several positive Urinary Drug Screens and missed drug tests.

(iv) Licensee contacted the Kansas Board of Nursing and was allowed to reenter KNAP. She was notified by letter dated September 15, 2011 and given fifteen (15) days from the date of the letter of September 15, 2011 to contact KNAP. Licensee failed to contact KNAP and her KNAP case was once again closed on October 18, 2011.

(v) Licensee attended the prehearing in this matter on February 28, 2012 and announced her intention to surrender her license to practice nursing in the state of Kansas.

(c) Pursuant to this Final Order the applicant stipulated to the following violations of the Kansas Nurse Practice Act:

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

(ii) 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;

(iii) 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); and

(iv) 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).

(d) Applicant has rejected a reinstatement that would require a re-referral to KNAP.


7. The evidence before the Board shows that the applicant is neither competent nor qualified to practice nursing, and that the safety of the citizens of Kansas is protected by denying the application for reinstatement.

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

- 1. Applicant's application for reinstatement is denied.**
- 2. Licensee shall not practice nursing in the state of Kansas.**

NOTICE

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, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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.

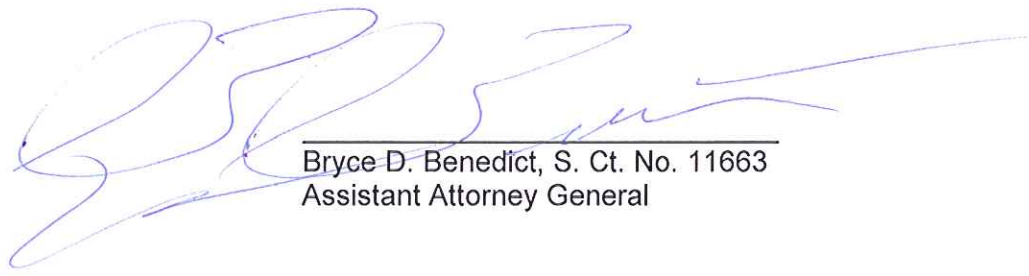

Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 20th day of May, 2016, 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:

Kimberly Moore
524 W. 4th

Holton KS 66436

A handwritten signature in blue ink, appearing to read "Bryce D. Benedict", is written over a horizontal line.

Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General