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SEP 10 2014

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**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF RACHEL CARA WRIGHT**

**License No. 13-108547-012**

**Case No. 14-510-2**

**SUMMARY ORDER**

NOW ON THIS 10<sup>th</sup> 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 31 January 2016. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 155 South Mission Ridge Colby, Kansas 67701.
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 a report, it is alleged that while licensee was employed by Citizens Medical Center, Colby, Kansas, licensee diverted resident's narcotics.
  - (b) The narcotics were found concealed in licensee's personal property.
  - (c) This incident occurred on or about the 16<sup>th</sup> day of March, 2014.
  - (d) Licensee's employment was terminated due diversion of narcotics.

- (e) According to another report, while licensee was employed by Goodland Regional Medical Center licensee exhibited impaired behavior
- (f) Licensee was sent home due to "odd" behavior noted by other nursing staff.
- (g) Licensee also tested positive for morphine.
- (h) Licensee admitted to taking someone else's morphine for knee pain.
- (i) Licensee was terminated from this employment on the 9<sup>th</sup> day of June 2014 for attendance issues.
- (j) Licensee was contacted by the investigator on the 22<sup>nd</sup> of May, 2014 and failed to respond.
- (k) Criminal charges are pending in Thomas County, Kansas.

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 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 defined 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.

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 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 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.

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 application process 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.

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

1. Licensee's license is revoked.
2. 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.

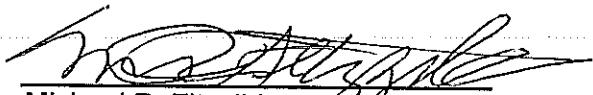
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

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

**CERTIFICATE OF SERVICE**

On the 10<sup>th</sup> day of September, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Rachel Cara Wright  
155 South Mission Ridge  
Colby, Kansas 67701

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General