

FILED

FEB 12 2015

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF
JENNIFFER R. MARRS
License No. 15BN0048

Case No. 13-569-0
OAH No. 15BN0048

INITIAL ORDER

Now on this 16th day of January 2015, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing (Board/Petitioner). Sandra L. Sharon was duly appointed Administrative Law Judge/Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General Michael R. Fitzgibbons, Disciplinary Counsel for the Board. The Respondent, Jenniffer R. Marrs, appears in person.

Findings of Fact

1. The respondent was licensed to practice nursing in the State of Missouri. By order dated December 10, 2014, her license to practice nursing in the State of Missouri was revoked.
2. On October 15, 2013, the respondent was convicted of the Use or Possession with Intent to Use Drug Paraphernalia or to Cultivate a Controlled Substance in Linn County, Kansas.
3. On October 28, 2103, the respondent was convicted of four misdemeanor counts of Attempted Possession a Synthetic Cannabinoid in Cass County, Missouri, Case No. 13CA-CR00088.
4. In Cass County, Missouri Criminal Case No. 13-CACR00088, the respondent was originally charged with possession of a controlled substance with the intent to distribute. These controlled substances were discontinued medications or medications from a deceased patient that the respondent diverted for her own purposes.
5. While working as a home health nurse in Missouri in 2012 and 2013, the respondent falsified nursing records by reporting she was providing care to an individual when she had actually left the premises.
6. Further, while working as a home health nurse, the respondent was photographed sleeping while on duty.
7. The respondent was terminated from her employment as a home health nurse.

Applicable Law

1. The Kansas State Board of Nursing has the authority to limit, deny, suspend, or revoke a license to practice nursing in the State of Kansas for proper legal cause. K.S.A. 74-1106(c)(4).
2. Violations of the Kansas Nurse Practice Act are legal cause for disciplinary action on an individual's license to practice nursing. Grounds for disciplinary action are found at K.S.A. 65-1120.
3. It is a violation of the Kansas Nurse Practice Act to practice nursing as a Registered Nurse or a Practical Nurse revoked by another state. K.S.A. 65-1120(a)(8).
4. It is a violation of the Kansas Nurse Practice Act to be guilty of a felony or guilty of a misdemeanor involving an illegal drug offense. K.S.A. 65-1120(a)(2).
5. It is a violation of the Kansas Nurse Practice Act to be guilty of unprofessional conduct by diverting drugs, supplies, or property of any patient or agency. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(n).
6. It is a violation of the Kansas Nurse Practice Act to commit professional incompetency by a pattern or practice which demonstrates a manifest and capacity or incompetence to practice nursing. K.S.A. 65-1120(e)(3).
7. It is a violation of the Kansas Nurse Practice Act to be guilty of unprofessional conduct by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(c).
8. It is a violation of the Kansas Nurse Practice Act to inaccurately record, falsify, or alter any record of a patient or agency or of the Board. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(d).

Discussion

1. The respondent violated the Kansas Nurse Practice Act at K.S.A. 65-1120(a)(8) when she caused her Missouri license to practice nursing to be revoked.
2. The respondent violated the Kansas Nurse Practice Act when she was found guilty of a drug felony in Linn County, Kansas and drug misdemeanors in Cass County, Missouri. This is a violation of the Kansas Nurse Practice Act at K.S.A. 65-1120(a)(2).
3. When the respondent was found to have deceased patients' medications and patients' discontinued medications on her person, she violated the Kansas Nurse Practice Act by being guilty of unprofessional conduct by diverting drugs, supplies, or property of a patient. This is a violation of the Kansas Nurse Practice Act at K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(n).

4. When the respondent signed into her shift as a home health nurse and falsified nurses' notes and left the respondent manifested a pattern of behavior which manifests an incapacity to practice nursing. This behavior also violates the Kansas Nurse Practice Act by failing to follow policies and procedures designed to safeguard a patient. Further, this behavior was a violation of the Kansas Nurse Practice Act by inaccurately recording, falsifying or altering any record of a patient. This conduct is a violation of the Kansas Nurse Practice Act at K.S.A. 65-1120(e)(3), K.S.A. 65-1120(a)(6), and K.A.R. 60-3-110(c) and K.A.R. 60-3-110(d).

Conclusion

1. The Board has shown by a preponderance of the evidence that the respondent has violated the Kansas Nurse Practice Act. The Board's Petition to Revoke the respondent's license to practice nursing in the State of Kansas is granted.
2. Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

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

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.



Sandra L. Sharon
Administrative Law Judge/Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612
Telephone: 785-296-2433

CERTIFICATE OF SERVICE

On Feb. 10, 2015, I mailed this original document through State Building
Mail to:

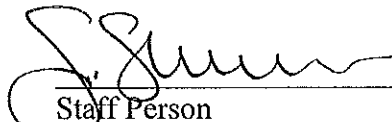
Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Michael R. Fitzgibbons
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through first class mail to:

Jenniffer R. Marrs
203 Chestnut Street
Mound City, KS 66056-5234



Staff Person

Office of Administrative Hearings