

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

APR 17 2014

KSBN

IN THE MATTER OF RACHEL LYNN LUCAS

License No. 13-117429-051

Case No. 13-1679-6

SUMMARY ORDER

NOW ON THIS 17th day of April, 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 has licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 925 SE River Road Apt 1301 El Dorado, Kansas 67042-8272.
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 you were employed by Susan B. Allen Memorial Hospital, El Dorado, Kansas, licensee diverted a patient's controlled substance for her personal use.
 - (b) Licensee had documented that she administered the medication twice to a patient.
 - (c) This incident allegedly occurred on or about June, 2013.

- (d) The above facility required licensee to enroll in and successfully complete the Kansas Nurses Assistance Program (KNAP).
- (e) Licensee signed a three (3) year contract with KNAP on or about the 18th day of July, 2013.
- (f) Licensee had a positive UDS for Morphine in September 2013.
- (g) Licensee failed to notify KNAP of her termination in October 2013 for the above facility.
- (h) Licensee failed to provide KNAP with her proof of her 12 step meeting attendance for the month of November, 2013.
- (i) Licensee failed to check in to Affinity on or about the 11th day of December, 2013 to see if she had been selected for a random urine screen.
- (j) Licensee had a positive urine drug screen for marijuana on or about the 16th day of December, 2013.
- (k) Licensee checked in with Affinity on or about the 6th day of January, 2014, but failed to do the random urine drug screen when selected.
- (l) KNAP case was closed on the 13th day of January, 2014 for non compliance.
- (m) Licensee was notified that she should cease to practice nursing until she received a safety to practice.
- (n) Licensee failed to get a re-evaluation to determine her safety to practice.
- (o) Licensee was contact by KSBN on the 19th day of February, 2014 and failed to respond.

5. This Licensee violate the Nurse Practice Act by unprofessional conduct by Diversion of drugs, failure to cooperate with KSBN with requests from the Board, drug usage affecting her ability to nurse and failure to complete or participate in the KNAP program.

CONCLUSIONS OF LAW

a. K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;

b. K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

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

d. 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).

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 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

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)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

Count 3: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 4: 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).

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 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

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.

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

POLICY STATEMENT

1. Diversion of drugs is detrimental to the practice of Nursing
2. Failing to cooperate with the impaired provider program (KNAP) is essential to assure to Board of licensee's safety to practice.
3. Truthfulness is the hallmark of good nursing and is essential in the nursing profession to provide the best quality care for the citizens of the State of Kansas.


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

1. **Licensee's license to practice nursing in the state of Kansas is revoked.**

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 17th day of April, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Rachel Lynn Lucas
925 SE River Road Apt 1301
El Dorado, Kansas 67042-8272


Michael R. Fitzgibbons #12287
Assistant Attorney General