

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

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IN THE MATTER OF SCOTT ALLEN VERMILLION

KSBN

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License No. 13-124927-122

Case No. 14-2263-7

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 23rd day of November 2015, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Michael R. Fitzgibbons, Assistant Attorney General, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per Petitioner's request, Respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$100 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas nursing license to the Kansas State Board of Nursing.

8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.

9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

10. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.



Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. 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: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

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.




Michael R. Fitzgibbons, #12287
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 24th day of November, 2015, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Scott Allen Vermillion
15603 Maple Street
Overland Park, Kansas 66223


Michael R. Fitzgibbons, #12287
Assistant Attorney General

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Case No. 14-2263-7

PETITION

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

1. Respondent, Scott Allen Vermillion, is licensed to practice nursing in Kansas through December, 2016. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 15603 Maple Street Overland Park, Kansas 66223.
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. 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.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:
 - (a) According to a report, while licensee was employed by the University of Kansas Hospital, Kansas City, Kansas it was noted that a large volume of fentanyl was unable to be account for.

- (b) Two bags of fentanyl 10mcg/ml were hung during licensee's shift despite low infusion rate on the 17th day of October, 2014.
- (c) None of the medication was documented as "wasted."
- (d) A similar circumstance was noted the next day on the 18th day of October, 2014.
- (e) When licensee was asked by his manager why licensee needed to hang multiple fentanyl bags each shift and what happened to unaccounted for medication, licensee stated that he had been taking it for himself and injecting the medication while at work.
- (f) A reasonable suspicion drug test was completed and licensee tested positive for fentanyl.
- (g) Licensee agreed to be referred by employer to KNAP as a condition for continued employment.
- (h) Licensee was evaluated and entered into a Three year Agreement in KNAP on the 20th day of November 2014.
- (i) According to a report, it is alleged that licensee's KNAP has been closed due to non compliance.
- (j) This incident occurred on or about the 12th day of January, 2015.
- (k) Furthermore, it is alleged licensee received the following non-compliances:
 - a. On the 8th day of December 2014, licensee failed to submit 12 step meetings
 - b. On the 8th day of January 2015, a letter from KNAP stating licensee failed to attend two 12 step meetings the week of the 21st of December 2014
 - c. On the 12th day of January 2015, a letter from KNAP stating licensee failed to attend the December 2014 monthly monitoring meeting.
- (l) The KNAP case was closed for non compliance on the 12th day January, 2015.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

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)(1) unprofessional conduct by fraud or deceit in practicing nursing.

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

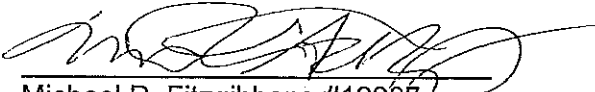
Count 4: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$100.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:


Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612