

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON, #551-8
TOPEKA, KANSAS 66612-1230

IN THE MATTER)
)
OF) Case No: 96-0423-5
)
DONNETTA COOK)
LICENSE NO. 13-025221-101)

PROPOSED DEFAULT ORDER

Now on this 6th day of February, 1997, the above-captioned matter comes on for hearing before Terry E. Beck, the Board's designated Hearing Officer, on the Petition filed with the Board. The Petitioner appears by and through Assistant Attorney General Mark S. Braun, Disciplinary Counsel for the Board. The Respondent, Donnetta Cook, does not appear. The Hearing Officer notes for the record that the Petition and Notice of Hearing were served on the Respondent January 24, 1997, by placing same in the United States Mail to her last address known to the Board and set forth in the Notice of Hearing and Petition.

Whereupon, the Hearing Officer asks the Petitioner if he is ready to proceed. Petitioner's counsel states he is ready and, pursuant to K.S.A. 77-520, states an oral motion for a default judgment based on the Respondent's failure to appear. In support of the motion, the Petitioner states as follows:

1. The Notice of Hearing and Petition were served on the Respondent at her last address known to the Board, 6602 E. Harry, Apt. 502, Wichita, Kansas 67207 on January 24, 1997.

2. The Notice of Hearing stated that the Hearing would take place February 6th, 1997 at 9:00 a.m. More than ten (10) days has elapsed since the Respondent was served notice.

3. Respondent did not appear at the hearing.

4. There has been no response to the Notice of Hearing or the Petition, nor has any written notice or request for continuance been received by the Board as is provided for in the Notice of Hearing.

5. Petitioner has a witness, Kathleen Reeves, available by telephone should this matter proceed to hearing.

Whereupon, the Hearing Officer makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent has been entitled to practice in Kansas as a registered professional nurse (RN), having been issued license number 13-025221-101, with an expiration date of October 31, 1997. Therefore, this Board and Hearing Officer have jurisdiction over this Respondent.

2. On January 24, 1997, Respondent was served at her last address known to the Board, 6602 E. Harry, Apt. 502, Wichita, Ks 67207, with the Petition and a Notice of Proceedings, which included Notice of an June 26, 1996 Scheduling Docket and a July 19, 1996 Hearing.

3. Respondent failed to appear on that date. Further, the Respondent did not seek any continuance, nor indicate any opposition to proceeding with the hearing.

4. Petitioner has a witness, Kathleen Reeves, available by telephone for this hearing.

5. Respondent committed the acts alleged in paragraph 5, Count I of the Petition as stated therein and in the Factual Basis, constituting a violation of the Kansas Nurse Practice Act, K.S.A. 65-1120(a)(6), unprofessional conduct, as defined by K.A.R. 60-3-110(i), diverting drugs, specifically nine (9) ampules of 25mg demerol, or supplies from the Andover Health Care Center.

6. Respondent committed the acts alleged in paragraph 5, Count II of the Petition as stated therein and in the Factual Basis, constituting a violation of the Kansas Nurse Practice Act, K.S.A. 65-1120(a)(6), unprofessional conduct, as defined by K.A.R. 60-3-110(d) falsifying medical administration records and patient records of Andover Health Care Center to cover up or conceal the diversion the nine (9) ampules of 25mg demerol.

CONCLUSIONS OF LAW

1. The Board and this Hearing Officer have jurisdiction to hear this matter pursuant to K.S.A. 65-1113, et seq., because the allegations involve violations of the Nurse Practice Act and the Respondent is a licensee of this Board.

2. The Hearing Officer, by designation of the Board, has the authority to issue disciplinary action against the Respondent's license to practice as a nurse in Kansas, according to the Kansas

Administrative Procedures Act, K.S.A. 77-501, et seq., if she is found to have violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

3. Service of the Notice of Hearing and the Petition were done in accordance with requirements of the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq., and the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and therefore, are proper.

4. K.S.A. 65-1120(b) authorizes the Board to conduct all proceedings in accordance with the provisions of the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

5. Respondent violated the Kansas Nurse Practice Act as stated in paragraph 5 of the Petition and as set forth in the Findings.

6. Respondent is guilty of unprofessional conduct in that she diverted nine (9) ampules of 25 mg demerol from the Andover Health Care Center, a violation of K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(i).

7. Respondent is guilty of unprofessional conduct in that she falsified medication administration records and patient records at the Andove Health Care Center in order to cover up or conceal the diversion of the previously mentioned demerol, a violation of K.S.A. 65-1113(a)(6), as defined by K.A.R. 60-3-110(d).

8. The Board and the Hearing Officer by designation has the authority to issue proposed default orders pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

9. Respondent does not appear and is found to be in default

in these proceedings.

10. Had this matter proceeded to hearing, the Petitioner would have presented a witness, Kathleen Reeves, to testify in this matter.

11. Therefore, Respondent is found to have violated the Nurse Practice Act as stated in the Petition.

ORDER



Based upon the Findings of Fact and Conclusions of Law, It Is Ordered that the license issued to Donnetta Cook, No. 13-025221-101, to practice as a registered professional nurse (R.N.) in the State of Kansas is hereby Revoked. Respondent may not practice as a nurse in the State of Kansas.

IT IS SO ORDERED.



Terry E. Beck
Hearing Officer

PREPARED AND SUBMITTED BY:

 
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Disciplinary Counsel
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NOTICE REGARDING THIS PROPOSED DEFAULT ORDER

This is a Proposed Default Order. The party against whom it is issued may file a written motion with seven (7) days after service, requesting that the Proposed Default Order be vacated and stating the grounds relied upon. The Proposed Default Order shall become effective after expiration of the time within which the party may file a written motion to vacate the Order is filed with the agency within such time. Upon receipt of a motion to vacate a Proposed Default Order, the Presiding Officer shall either vacate the Proposed Order or issue the Default Order as proposed. If the Hearing Officer issues a Default Order as proposed, the Order shall become effective upon service.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Proposed Default Order was served by depositing same in the United States Mail, first class postage prepaid, this 24th day of March, 1997, to:

Donnetta Cook
6602 E. Harry, Apt. 502
Wichita, Ks. 67207

And by hand delivering a copy of same to:

Mark S. Braun
Kansas State Board of Nursing
900 SW Jackson, Room 551-S
Landon State Office Building
Topeka, Kansas 66612-1230



Diane M. Glynn, J.D., R.N.
Practice Specialist