

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

SEP 15 2010

KSBN

IN THE MATTER OF

DEBORAH J. RIGGS

License No. 13-043643-011

Case No. 06-642-5, 08-755-0 and 09-1250-5

SUMMARY ORDER

Now this 15th day of September, 2010, 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 proposes to find facts and take disciplinary action against the licensed practical nurse license of Deborah J. Riggs, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 1/31/2011. The Board has jurisdiction over the Licensee and the subject matter of this action.
- (b) Licensee's address of record is 15321 Grassmere Lane, Goddard, KS 67052.
- (c) In Case No. 98-642-5 Licensee entered into a Consent Agreement and Final Order on or about February 22, 2000 and admitted to the following facts: commencing on or about April 12, 1997 and continuing through October 27, 1997 Licensee illegally acquired or obtained possession of Lortab 7.5 mg a schedule III substance and Wygesic #40 a schedule IV controlled substance by falsifying or forging prescriptions on blank prescription forms she diverted from her employer. Licensee also called in false prescriptions for narcotics to local pharmacies.
- (d) Licensee was convicted in United States District Court of felony acquisition of a controlled substance by fraud and placed on two years probation on 8/27/98.
- (e) Licensee did not disclose a 1992 misdemeanor battery conviction when asked on her 1999, 1997, 1995 and 1993 renewal applications.
- (f) Licensee violated the Kansas Nurse Practice Act: specifically K.S.A. 65-1120(a)(1), fraud or deceit in practicing nursing; K.S.A. 65-1120(a)(2), felony conviction; and K.S.A. 65-1120(a)(6), unprofessional conduct.
- (g) [REDACTED]
- (h) In Case No. 06-642-5, the facts admitted by the Licensee in the Consent Agreement and Final Order dated August 7, 2008, are as follows: on or about 6/23/2006, Licensee was employed at Wesley Medical Center, Wichita, KS, as a nurse. Wesley Medical

Center staff discovered discrepancies in narcotic logs. Staff noted that Morphine, Demerol, Methadone, Dilaudid, Precocet, and Hydrocodone were dispensed for patients who were not to receive the narcotics.

(i) Wesley staff discovered a nurse had not logged off the Pyxis narcotic dispensing system. Wesley staff also found that Licensee had delayed thought and speech as well as pinpoint pupils. Licensee and the nurse that did not log out of the Pyxis system submitted to drug testing by Wesley staff. Licensee tested positive for Morphine, Hydrocodone, and Hydromorphone.

(j) On or about 7/5/2006, Licensee was referred to the impaired provider program of the KSBN, KNAP.

(k) On August 7, 2008 respondent signed a Consent Agreement and Final Order with the board. Licensee agreed to participate in and complete the requirements of the Kansas Nurses Assistance Program (KNAP).

(l) On April 1, 2009 Licensee entered entered into an Addendum to the August 7, 2008 Consent Agreement and Final Order after a new investigation, Case No. 08-775-0 was opened by the Board. The Licensee admitted to the following as a part of the April 1, 2009 Addendum under Case No. 08-775-0: the investigation revealed the Licensee was employed as a nurse at Associates in Healthcare, in Wichita, Kansas in the later part of 2007. During that time frame, Licensee placed a physician's signature on a prescription slip for Lortab without the physician's authority. Licensee used the prescription slip to obtain Lortab for her personal use. Licensee admitted to another violation of K.S.A. 60-1120 (a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

(m) [REDACTED]

(n) An Indictment was returned against the Licensee on September 2, 2010 by a Grand Jury in the United States District Court for the District of Kansas, Case No. 10-40088-01-JAR. She is indicted for five (5) counts of tampering with a consumer product by diluting the concentration of and reducing the efficacy of the prescription medications, specifically morphine sulfate solution. Licensee is also indicted for five (5) counts of adulterating morphine sulfate solution with the intent to defraud and mislead. The indictments indicate the crimes were committed in December 2009, while the Licensee was employed by Halstead Health and Rehab in Halstead, Kansas.

(o) Both the relapse on or about 1/25/2010 and the relapse and diversion in December 2009 at Halstead Health and Rehab are violations of the 8/7/2008 Consent Agreement and Final Order.

(p) The Licensee sent a letter to the board 9/13/2010 stating her wish to surrender her license and turned in her license card.

(q) Pursuant to the repeated violations of 8/7/2008 Consent Agreement and Licensee's repeated relapses, Licensee's license to practice nursing in Kansas should be revoked by the Board.

CONCLUSIONS OF LAW

2. 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 this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the Licensee violated the following provisions of the Nurse Practice Act:

(a) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110(s).

(c) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency.

(d) K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

(e) K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(f) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(m), engaging in conduct related to licensed nursing practice that is likely to deceive, defraud, or harm the public.

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

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.

4. Licensee's conduct described herein violates the Consent Agreement in case number 06-642-5, dated August 7, 2008 and the Addendum in case number 06-642-5 and 08-755-0, dated April 1, 2009.

5. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

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

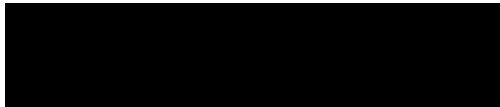
IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. Licensee's license is Revoked due to findings of non-compliance with Consent Agreement in case number 06-642-5, dated August 7, 2008 and the Addendum in case number 06-642-5 and 08-755-0, dated April 1, 2009. Furthermore, the Licensee has committed further violations of the Kansas Nurse Practice Act as listed above.

2. Licensee shall not practice nursing in the state of Kansas.

Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a 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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.

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.



Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 15th day of September, 2010, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Deborah J. Riggs
15321 Grassmere Lane
Goddard, KS 67052



Alma A. Heckler, #11555
Assistant Attorney General