

SEP 18 2002

BEFORE THE KANSAS STATE BOARD OF NURSING Board of NursingLandon State Office Building, 900 S.W. Jackson, #551-S
Topeka, Kansas 66612-1230

In The Matter Of

KIMBERLI BLOW**Case no. 95-474-3, 99-414-3, 99-415-3, 99-416-3**

License no. 13-051795-112

ORDER DENYING MOTION TO VACATE

Now on this 10th day of September, 2002, petitioner appears by Alma A. Heckler, Assistant Attorney General assigned the Board. A proposed default order was granted April 16, 2002, after respondent failed to appear for a hearing. Respondent was mailed a copy of that order and respondent timely filed a motion to vacate that order.

Respondent's motion was set for a hearing today and respondent was mailed notice of this hearing to her last known address. Respondent does not appear to argue her motion.

At petitioner's request, respondent's motion is denied. The default order previously mailed to respondent is affirmed and is effective on the date that petitioner mails a copy of this order to respondent.

Terry E. Beck, Hearing Officer

Alma A. Heckler #11555
900 SW Jackson, Suite #551-S
Topeka, Kansas 66612-1230
(785) 296-4325

CERTIFICATE OF SERVICE

On the 18th day of September, 2002, I caused a copy of this order to be mailed, postage pre-paid, to respondent at 629 Huehl Circle, Salina, Kansas 67401.


Alma A. Heckler

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

Filed
APR 24 2002
Board of Nursing

IN THE MATTER OF THE LICENSE OF
13-051795-112
KIMBERLY BLOW

CASE NO. 99-414-3 &
99-416-3

DEFAULT ORDER

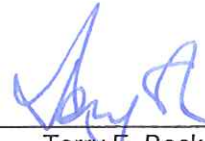
REVOKING LICENSE

NOW ON THIS 16th day of April, 2002, petitioner appears by disciplinary counsel, Alma Heckler, for a pre-hearing conference on the petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent is licensed as an L.P.N. through 11-30-2002. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order granting the petition.
4. The petition is hereby granted and incorporated into this order as if set forth herein.
5. Respondent violated K.S.A. 65-1120(a)(4) and K.A.R. 60-3-110 unprofessional conduct, K.S.A. 65-1120(a)(3), professional incompetence, unable to practice with skill and safety due to current abuse of drugs or alcohol; and K.S.A. 60-1120(e)(2), failed to maintain compliance with diversion agreements
6. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas and respondent shall return her license card to the board.
7. Costs of the action of \$70 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.

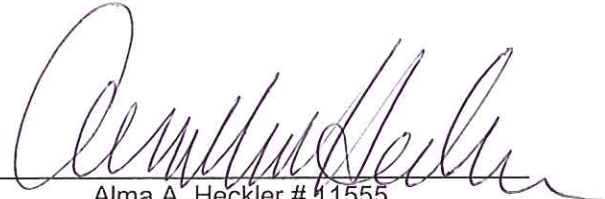
8. Disciplinary counsel shall mail a copy of this order to respondent's last known address.



Terry E. Beck
Hearing Officer

NOTICE

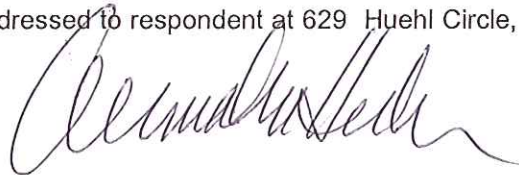
This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within ten days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.



Alma A. Heckler # 11555
Disciplinary Counsel
900 S.W. Jackson, Suite #551-S
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 24th day of April, 2002, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to respondent at 629 Huehl Circle, Salina, KS 67401.



Alma A Heckler

Filed

MAR 11 2002

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #551-S
Topeka, Kansas 66612-1230

In The Matter Of
KIMBERLI BLOW
LICENSE NO. 13-051795-122

CASE NO. 99-414-3
99-416-3

PETITION

COMES NOW the petitioner, the Board of Nursing, by and through disciplinary counsel, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas as an R.N. through 11/30/2002.
2. Respondent's current address of record is 629 Huehl Circle, Salina, Kansas 67401.
3. The board may deny, limit, suspend, or revoke a nursing license, certificate or authorization to practice nursing or may issue a public or private censure if a violation of K.S.A. 65-1120(a) is established.
4. After an investigation, the Board found reasonable grounds to support allegations that respondent violated K.S.A. 65-1120(a) and referred the matter for further proceedings. A petition (Petitioner's Exhibit 4) was filed and then dismissed (Petitioner's Exhibit 3), then disciplinary counsel agreed to enter a diversion agreement (Petitioner's Exhibit 2) with the respondent and it was signed by all parties in October, 2000. Respondent violated the terms of the October, 2000 agreement (respondent was non-compliant with Kansas Nurses Assistance Program (KNAP) and her KNAP case was closed on 1/5/01)

repackaged medication from a labeled bottle to an old used blister pack card. The original label on the blister pack had been removed and the label from the medication bottle had been taped to the left side of the blister pack. All of the Contin 30 mg. tablets from the bottle were taped in the blister pack. Respondent stated that she repackaged the medications to make them easier to count.

On or around July 17, 1999, respondent reportedly, administered a large amount of narcotic pain medications to a terminally ill seventy-seven year old female resident. The resident still appeared to be in extreme pain and the family and the doctor had instructed that the resident be kept as pain free as possible. Due to the amount of narcotics involved, the facility sent respondent for a drug test on July 21, 1999, to determine if there was a violation of the drug free workplace policy. The respondent's drug screen tested positive for marijuana and propoxyphene (darvocet).

Respondent was disciplined in a previous case (No. 95-0474-3) for writing illegal scripts. Respondent completed the terms of a consent agreement in 1998 in that case only.

COUNT 1

Respondent violated K.S.A. 65-1120(a)(4) and K.A.R. 60-3-110(i) and is unable to practice with skill and safety due to current abuse of drugs or alcohol and diverted drugs, supplies or property of any patient or agency.

COUNT 2

Respondent has failed twice to maintain compliance with diversion agreements she entered into with the board and is in violation of K.S.A. 60-1120(e)(2)

and a second agreement was entered into by the parties on August 3, 2001 (Petitioner's Exhibit 1). Respondent has failed to meet the terms of the second agreement, she signed on August 3, 2001. Respondent is again out of compliance with KNAP. She failed to provide documentation of legitimate prescriptions following a positive urinalysis of 12/20/01 for propoxyphene and barbiturates and she failed to return releases of information for her current employer and primary care physician.

5. On the issue of whether respondent violated K. S. A. 65-1120(a), respondent had the right to a hearing with evidence and witnesses and the right to seek review of the findings from that hearing in accordance with the Kansas Administrative Procedure Act, and the Kansas Act for Judicial Review and civil enforcement of agency actions. Respondent waived those rights and voluntarily entered into two diversionary agreements instead of proceeding to hearing.

6. Respondent also agreed in the August 3, 2001 diversion agreement to participate in, and complete, the reasonable recommendations of the Kansas Nurses Assistance Program and if she did not comply, then the stay of suspension on respondent's license shall be immediately lifted and petitioner shall issue a notice that respondent's license is suspended and set this case for hearing.

ALLEGED FACTS

Respondent was employed as a nurse at a facility in Minneapolis, Kansas, from December, 1998, until August, 1999. On or about July 16, 1999, respondent

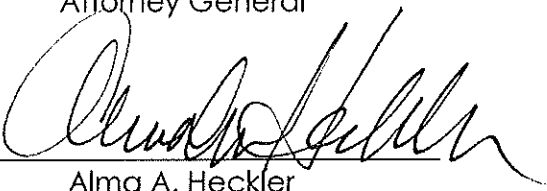
and (3), repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence and a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

WHEREFORE, petitioner requests that respondent's license be immediately suspended and after an opportunity to present evidence the license be revoked, and any and all other appropriate discipline be imposed against respondent and \$70 costs to be assessed to the respondent.

Respectfully submitted,

Carla J. Stovall
Attorney General

By: _____


Alma A. Heckler
Assistant Attorney General
Board of Nursing
785-296-4325