

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 25 2011

KSBN

**IN THE MATTER OF
MARLENE M. CHAMBERS
License No. 13-51911-022**

Case No. 10-836-4

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 25th day of October, 2011, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, 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 through 2/29/2012. 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 \$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.
7. Respondent shall immediately forward his or her original Kansas registered nurse 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.

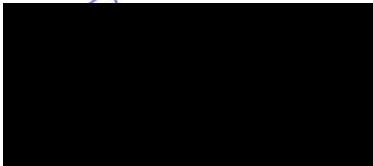

Sandra L. Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

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.


Alma A. Heckler, #11555
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 25th day of October, 2011, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Marlene M. Chambers
824 N Main
Kingman, KS 67068



Alma A. Heckler
Assistant Attorney General

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
MARLENE MAE CHAMBERS
License No. 13-51911-022**

Case No. 10-836-4

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PETITION

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

1. Respondent, Marlene Chambers, is licensed to practice nursing in Kansas through 02/29/2012. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 824 North Main, Kingman, KS 67068.
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) Respondent was initially licensed to practice nursing in Kansas on 08/20/1984. The license is good through 02/29/2012 on its most recent renewal.

(b) On or about 05/17/2010, Respondent was employed as a charge nurse at Wheatland Care Center in Kingman, KS.

(c) On the date listed above a CMA reported to the Director of Nursing (DON) that they had witnessed Respondent taking a PRN Zofran from a resident to give to her own son, also an employee of the facility. DON began to investigate, and found that medication was missing from the resident's medication card. When initially confronted Respondent claimed she had given the medication to the resident but failed to initial the order or write any nurse's notes. Respondent was also questioned about her habit of personally administering Opana 30 mg tabs to another resident, but not anyone else's medication. Respondent claimed "she just liked Resident #333 and...giving the medication gave her an opportunity to visit with the resident."

(d) On 05/19/2010 the DON confronted Respondent, explaining that there was an eyewitness to Respondent's theft of the medication. Respondent admitted to taking the medication and giving it to her son, who was ill. At 1330 hours Respondent was terminated and asked to leave the building.

(e) After Respondent was fired, the DON continued to investigate. Upon examination it was found that 2 Opana 30 mg tabs were missing from the bubble pack of Resident #333. The next day (05/20/2010) it was found that two cards of narcotics (loratab and lorazepam) and their count sheets were missing, and had apparently disappeared sometime between 05/19/2010 and 05/20/2010. Security tapes were reviewed which showed Respondent re-entering the building after she was told to leave, and exiting carrying a jacket and a bag or purse. She was seen making several phone calls to her son, who was on duty. Evidence shows him leaving at 1640 carrying a paper bag. He called in and quit his job 15 minutes later.

(f) Despite extensive searching on 5/20/2010 neither the narcotics nor the count sheet were found, and so the facility notified the police and filed a police report.

VIOLATIONS

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

Count 1: 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.

Count 2: 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.


Count 3: K.S.A. 65-1120(a)(4), to be 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 \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:


Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612