

FILED

MAR 24 2016

KSBN

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

IN THE MATTER OF
Julie Vaughters, a/k/a Julie Permenter

OAH Case No. 16BN0070

License No. 13-58169-051
Case No. 14-1681-5

NOTICE OF PROPOSED DEFAULT ORDER
AND
PROPOSED DEFAULT ORDER

This matter comes on for consideration by the presiding Administrative Law Judge (ALJ) to enter a Proposed Default Order against respondent, Julie Vaughters, now known as Julie Permenter.

Wherefore, the presiding ALJ finds as follows:

1. The respondent is licensed to practice nursing in Kansas.
2. The Petitioner, the Kansas State Board of Nursing Board (Board), has jurisdiction over the respondent and the subject matter of this action.
3. The Petitioner filed a petition seeking revocation of respondent's license and assessment of costs.
4. On January 26, 2016 a prehearing conference was held in which the respondent appeared personally, and in which this matter was scheduled for a formal hearing on March 10, 2016 at 9:00 a.m.
5. On January 28, 2016 a Prehearing Order was mailed to the parties giving March 10, 2016 at 9:00 a.m. as the convening of the formal hearing. The Prehearing Order was not returned as undeliverable.


6. On March 10, 2016, at 9:00 a.m. a formal hearing was convened. The Board appeared by disciplinary counsel, Bryce Benedict. The respondent did not appear in person or by phone.
7. Pursuant to Kansas Statutes Annotated (K.S.A.) 77-520(a), “[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order.”
8. The respondent is in default pursuant to K.S.A. 77-520.
9. This Proposed Default Order shall become effective and deemed an initial order, seven days after service or ten days after mailing of this order unless the respondent files a written motion stating why the Proposed Default Order should be vacated and the order is then vacated. A motion to vacate shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka KS 66612-1230, with a copy to be mailed or personally delivered to: Sandra Sharon, Administrative Law Judge, Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, KS 66612-1327.
10. If this Proposed Default Order becomes effective, the allegations contained in the Petition will be deemed uncontroverted and the Petition will be granted and incorporated into this order as if fully set forth herein. The respondent’s license to practice nursing will be revoked.

11. In addition, costs of the action in the amount of \$100.00 will be assessed to the respondent to be paid to the Board by cashier's check or money order within 30 days of the effective date of this order.

The presiding ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the respondent. It shall take effect as specified in the above findings.

Disciplinary counsel shall mail a copy of this Notice of Proposed Default Order and Proposed Default Order to the respondent at his or her last known address of record.

IT IS SO ORDERED.



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

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-520, if the proposed default order becomes effective, it is deemed an initial order, as set forth above. Pursuant to K.S.A. 77-527, either party may request review of the initial order by filing a petition for review with the Kansas State Board of Nursing within 15 days from date the order is deemed an initial order. Failure to timely request review may preclude further judicial review. Petitions for review shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka, KS 66612-1230.

If neither party requests review, the initial order becomes a final order and is binding on the 30th day following its mailing.

A party may seek judicial review of a final order by filing a petition for judicial review pursuant to K.S.A. 77-601, *et seq.* Reconsideration of a final order is not a prerequisite to judicial review. A copy of any petition for judicial review shall be served on Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

CERTIFICATE OF SERVICE

On March 21, 2016, I mailed this original document through State Building Mail to:


Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Bryce D. Benedict
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

And a copy of this document through first class mail to:

Julie Permenter
2057 S. Parkwood Lane
Wichita, KS 67218



Staff Person
Office of Administrative Hearings

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 28 2015

**IN THE MATTER OF
Julie Vaughters**

KSBPN

License No. 13-58169-051

Case No. 14-1681-5

PETITION

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

1. Respondent, Julie Vaughters, is licensed to practice nursing in Kansas through May 31, 2017. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 2057 S. Parkwood Lane, Wichita KS 67218.
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 et seq., 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.

STATEMENT OF FACTS

5. The facts below are common to all counts:
 - (a) At all times relevant to these allegations the Respondent was employed as a nurse at the Via Christi Hospitals, Inc., in Wichita, Kansas.
 - (b) On or about September 16, 2013 the respondent had the care of a 71 year old patient identified here by the initials C.E. The respondent was notified by the Via

Christi lab about 5:28 a.m. that the patient had a critical potassium level of 6.3, but the respondent took no action, nor did she document this information, and neither did she advise oncoming staff of this critical potassium level.

- (c) Regarding the September 16 incident, the respondent gave conflicting stories to explain her inaction, telling one Via Christi representative she did not think 6.3 was a critical level, while changing her story to tell another representative she had just forgotten about the potassium level. The respondent subsequently provided a handwritten note stating, "I simply forgot."
- (d) On or about February 2, 2014 the respondent charted for a patient identified here by the initials H.S. that respondent had administered IV piperacillin/tazo 3.375 at 4:20 a.m. When another nurse at 9:26 a.m. went to hang a replacement bag it was discovered the medication had not been infused.
- (e) On or about September 17 & 18, 2014 the respondent was a charge nurse on a night shift which began about 7:00 p.m. on September 17. A patient, a 67 year old male identified here by the initials W.G., was one of the respondent's patients. A telemetry order was issued about 8:24 p.m. on September 17 for the patient to be placed on a monitor. At about 8:57 p.m. remote telemetry notified the respondent that the patient had yet been placed on the monitor, and called again at about 11:10 p.m. regarding the patient not yet being on the monitor. At about 12:17 a.m. on September 18 a call was placed to a PCT regarding this, and finally at about 12:35 a.m. the patient was placed on the monitor. About 3:30 a.m. a call came from remote telemetry that the patient's leads were off, and these were re-applied. At that time a PCT reported abnormal vital signs of this patient to the respondent but the respondent took no action, instead telling the PCT the vital signs were low only because a NG tube had been removed some time earlier that evening.. Around 5:30 a.m. remote telemetry called and notified the respondent that the patients's telemetry leads were off. The

respondent asked the PCT to "peek in" on the patient and if the patient was sleeping not to wake him, and that the respondent would call remote telemetry and let them know the patient was sleeping and she was going to let the patient remain sleeping because he keeps removing leads. At about 5:47 a.m. the respondent called remote telemetry and falsely advised that the patient was combative, and it may take some time to replace the telemetry leads. This call was made from outside the building while respondent was taking an unauthorized smoke break. The patient was discovered dead about 7:00 a.m. He was cold, with rigor mortis setting in.

- (f) Against hospital policy, the respondent on September 18, 2014 left the hospital building at 12:16 a.m. and returned at 12:30 a.m., then leaving at 2:43 a.m. and returning at 2:57, then leaving again at 5:40 a.m. and returning at 5:49.
- (g) The respondent lied to Via Christi representatives and denied that she had ever left the hospital building on September 18 until confronted with security videos that documented this.
- (h) Against hospital policy, at the times the respondent left the hospital building on September 18 she failed to hand her phone off to another nurse.
- (i) The respondent was terminated by Via Christi on or about September 18, 2014.

VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing;

Count 2: K.S.A. 65-1120(a)(3), to have committed acts of professional incompetency;

Count 4: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit:

- (1) failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient; and

(2) inaccurately recording, falsifying, or altering any record of a patient or agency.

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 at least the amount of \$100.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:



Bryce D. Benedict, #11663
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612