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**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
JEFFREY E. ESTOPARE  
License No. 13-70171-111**

**Case No. 09-749-7**

**PROPOSED DEFAULT ORDER TO REVOKE LICENSE**

NOW ON THIS 26<sup>th</sup> day of April, 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:

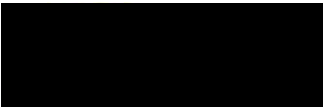
1. Respondent is licensed to practice nursing in Kansas through 11/30/2011. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service 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.**

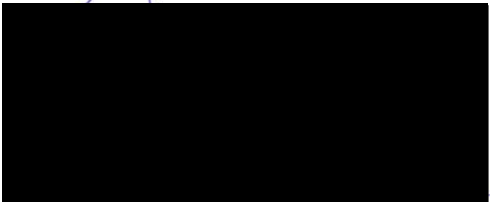
  
Sandra L. Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

**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 30<sup>th</sup> day following its service.

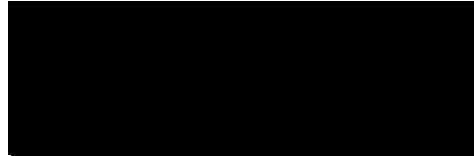
Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

  
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 29<sup>th</sup> day of April, 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:

Jeffrey E. Estopare  
11401 W 114th Terr  
Overland Park, KS 66210



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  
JEFFREY E. ESTOPARE  
License No. 13-70171-111**

**Case No. 09-749-7**

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**PETITION**

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General Brenda J. Clary, and for its cause of action states that:

1. Respondent, Jeffrey E. Estopare, is licensed to practice nursing in Kansas through November 30, 2011.
2. Respondent's address of record is 11401 W 114th Terr, Overland Park, KS 66210.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that Respondent is subject to discipline pursuant to K.S.A. 65-1120 or has otherwise violated the Kansas Nurse Practice Act, K.S.A. 65-1113 *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, or may issue a public or private censure upon making any of the findings listed in K.S.A. 65-1120(a), or may levy administrative fines consistent with K.S.A. 74-1110, if a violation of the Nurse Practice Act is established.
5. The Board has jurisdiction of Respondent and the subject matter of this action.

**FACTS**

6. On or about June 12, 2009, Respondent's employer, Sunflower Healthcare, Inc. (Sunflower), terminated Respondent's employment as a case manager for home health/hospice patients for alleged failure to maintain current nursing documentation.

7. Documents provided to the Board reflect that from January 2008 through June 12, 2009, Respondent failed to document one or more home visits and/or assessments with respect to thirteen patients. In one case, hand-written documentation for March 14 and 28, 2008, April 1, 14, and 21, 2008, and May 5, 2008, is identical except for the dates.

8. Chart audits revealed multiple patients for whom orders for medication were incomplete or did not match the medication administration record. In one case, the patient's file had no nurse's notes from October 22, 2008, to February 3, 2009, when audited in March 2009. The same patient had an implanted pacemaker with defibrillator that was not mentioned in the care plan or any nurse's assessment. In one case, the patient was hospitalized, but the reason for hospitalization was not documented.

9. One nurse who accompanied Respondent on home visits states that Respondent would take vital signs but not write them down and call in prescriptions but not make notes.

10. By letter of November 4, 2009, the Board's investigator directed Respondent to contact him to discuss the allegations.

11. To date, Respondent has not done so, but Respondent did provide a copy of an August 11, 2009, acknowledgement of a complaint he filed with the Centers for Medicare and Medicaid Services (CMS) alleging Medicare fraud committed by Sunflower.

12. Two nurses who had worked with Respondent wrote on his behalf. One documented a recurrent problem at Sunflower with missing paperwork that had to be recreated.

### VIOLATIONS

Count 1: Respondent is subject to disciplinary action pursuant to 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.

Count 2: Respondent is subject to disciplinary action pursuant to K.S.A. 65-1120(a)(3), Professional Incompetency as defined by K.S.A. 65-1120(e)(2), repeated instances involving

failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board.

Count 3: Respondent is subject to disciplinary action pursuant to K.S.A. 65-1120(a)(3), Professional Incompetency as defined by 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 4: Respondent is subject to disciplinary action pursuant to K.S.A. 65-1120(a)(7), to have willfully or repeatedly violated the provisions of the Kansas Nurse Practice Act or any rules and regulations adopted pursuant to that act.

Count 5: Respondent is subject to disciplinary action pursuant to K.S.A. 65-1120(a)(6), unprofessional conduct as defined by K.A.R. 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

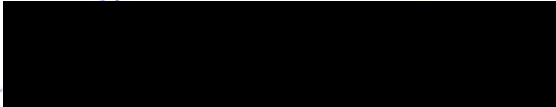
Count 6: Respondent is subject to disciplinary action pursuant to K.S.A. 65-1120(a)(6), unprofessional conduct as defined by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

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 minimum amount of \$70.00.

Respectfully submitted,

Stephen N. Six  
Kansas Attorney General

By:

  
Brenda J. Clary, #18770  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612