

Rex G. Beasley #08777
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON, #551-S
TOPEKA, KANSAS 66612-1230
785 296-8401

IN THE MATTER)
)
OF) Case No: 96-0399-6
)
LESLIE BELCHER)
LICENSE NO. 13-072306-092)

PROPOSED DEFAULT ORDER

On the 29th day of September, 1998 the above-captioned matter came on for a hearing before Terry E. Beck, the Board's designated Hearing Officer. The Petitioner appeared by and through Assistant Attorney General Rex G. Beasley Disciplinary Counsel for the Board. The Respondent Leslie Belcher did not appear.

Whereupon, the Hearing Officer asked the Petitioner if it was ready to proceed. Petitioner's counsel stated that the Board was ready and, pursuant to K.S.A. 77-520, made an oral motion for a default judgment based on the Respondent's failure to appear. In support of the motion, the Petitioner stated and showed the following:

1. Notice of the hearing date and time was duly served upon the Respondent at her last address known to the Board.

2. No request for a continuance was ever made. Respondent did not appear at the hearing.

There was no contact from her or from anyone on her behalf.

3. The allegations of the petition are true.

WHEREUPON, the Hearing Officer made the following findings of fact and conclusions of law:

1. Respondent was given proper notice as required by law.
2. Respondent failed to appear and was in default.
3. The allegations in the petition are true. Since the issuance of the license, Respondent has committed numerous acts in violation of K.S.A. 65-1113, et seq., as follows:
 - a. Respondent diverted i.e. stole 14 ampoules of Demerol from her employer and her patients in 1996. She falsified patient records in an attempt to cover up the theft and hide her drug addiction. Her employment was terminated because of the theft and fraud.
 - b. Respondent has a prior history of drug addiction.
 - c. Respondent was in a treatment program through the Kansas Nurses Assistance Program. She relapsed and on February 9, 1998 and February 13, 1998 she tested positive for Demerol on urinary drug screens.
 - d. On June 23, 1998 Respondent met with the Board's investigative committee in an informal interview and was told that any further relapses would result in her case being referred to disciplinary counsel.
 - e. On August 16, 1998 Respondent diverted i.e. stole a duragesic pain patch from her employer.
 - f. When she was caught by her employer with the stolen narcotic she was in such bad shape that she couldn't speak. Respondent eventually told KNAP: "I'm going to turn in my license because I still have a problem with my addiction and I don't think I can work in nursing any longer."

g. On August 18, 1998 Respondent sent her license card the Board.

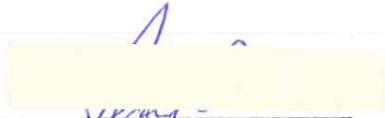
4. Respondent's actions constitute violations of the Kansas Nurse Practice Act K. S. A. 65-1120(a)(1); K. S. A. 65-1120(a)(3); K. S. A. 65-1120(a)(4); K. S. A. 65-1120(a)(6); and K. S. A. 65-1120(a)(7); and other applicable rules, regulations and guidelines, and the public's trust, for which she should be disciplined.

5. The Board's motion and petition should be granted.

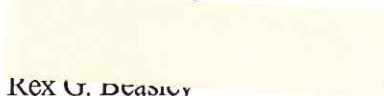
6. Respondent's license to practice nursing in Kansas should be revoked

IT IS THEREFORE ORDERED that the Respondent's license to practice nursing in Kansas should be, and is hereby revoked. Respondent may not practice nursing in the state of Kansas. Respondent may not hold her self out as, or represent herself to be, a nurse in the State of Kansas. Costs of the action in the sum of \$35.00 are hereby taxed to Respondent to be paid to the Board by cash, money order, or certified check within 30 days of the effective date of this Order.

IT IS SO ORDERED.


Terry E. Beck
Hearing Officer

PREPARED AND SUBMITTED BY:


Rex G. Deasly
Disciplinary Counsel

NOTICE REGARDING THIS PROPOSED DEFAULT ORDER

This is a Proposed Default Order. The party against whom it is issued may file a written motion within seven (7) days after service, requesting that the Proposed Default Order be vacated and stating the grounds relied upon. Unless a written motion to vacate is filed, the Proposed Default Order shall become effective after expiration of the time Stated above. If a motion to vacate a Proposed Default Order is timely filed, the Presiding Officer shall either vacate the Proposed Order or issue the Default Order as proposed. If the Hearing Officer issues a Default Order as proposed, the Order shall become effective upon service.

CERTIFICATE OF SERVICE

This is to certify that on the 5th day of October, 1998, I deposited a true and correct copy of the Proposed Default Order in the United States Mail, first class mail, postage prepaid to the following:

Leslie Belcher
922 Indiana
Neodesha, Kansas 66757-1565

and by hand delivery to:

Rex G. Beasley
Assistant Attorney General
Kansas State Board of Nursing
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230



Diane M. Glynn, J.D., R.N.
Practice Specialist

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PETITION

COMES NOW the Petitioner, the Kansas State Board of Nursing by and through its Disciplinary Counsel, Assistant Attorney General Rex G. Beasley, and initiates these proceedings under the provisions of K.S.A. 65-1120, and for its cause of action, alleges and states:

1. Respondent's mailing address last known to the Board is 922 Indiana Neosho, Kansas 66757.
2. Respondent is or has been entitled to practice as a registered nurse (R.N.) in the State of Kansas, having been issued license no. 13-072306-092, having an expiration date of September 30, 1998.

3. The Kansas State Board of Nursing, hereinafter referred to as the "Board," has received information, conducted an investigation, and determined there are reasonable grounds to believe Respondent has committed acts in violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

4. The Board has requested the office of the Attorney General to prosecute this action. Carla J. Stovall is the duly elected and acting Attorney General for the State of Kansas.

5. Since the issuance of the license, Respondent has committed numerous acts in violation of K.S.A. 65-1113, et seq., as follows:

a. Respondent diverted i.e. stole 14 ampoules of Demerol from her employer and her patients in 1996. She falsified patient records in an attempt to cover up the theft and hide her drug addiction. Her employment was terminated because of the theft and fraud.

b. Respondent has a prior history of drug addiction.

c. Respondent was in a treatment program through the Kansas Nurses Assistance Program. She relapsed and on February 9, 1998 and February 13, 1998 she tested positive for Demerol on urinary drug screens.

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g. On August 18, 1998 Respondent sent her license card the Board.

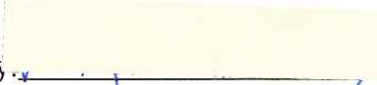
6. Respondent is an impaired provider. Her actions constitute violations of the Kansas Nurse Practice Act K. S. A. 65-1120(a)(1); K. S. A. 65-1120(a)(3); K. S. A. 65-1120(a)(4); K. S. A. 65-1120(a)(6); and K. S. A. 65-1120(a)(7); and other applicable rules, regulations and guidelines, and the public's trust, for which she should be disciplined.

7. Based upon the above and the Respondent's voluntary surrender of her license, the Board should enter an order accepting Respondent's surrender and revoking her license.

WHEREFORE, Petitioner prays that the Board serve the Respondent with a copy of this Petition and a copy of a Notice of Hearing as required by law. Petitioner further prays that upon evidence presented at the hearing, the Board make findings and conclusions that Respondent has committed acts in violation of the Kansas Nurse Practice Act, and that the Board revoke Respondent's license and take and impose such other disciplinary action as it shall deem just and proper, including but not limited to the imposition of an administrative fine pursuant to K. S. A. 74-111065-11 for each violation of a law or a rule.

Respectfully submitted,

CARLA J. STOVALL
Attorney General

By  Rex G. Beasley
Assistant Attorney General

Attorney for Petitioner