

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 25 2011

IN THE MATTER OF

LASHON V. BUGG

License No. 13-74221-041

KSBN

Case No. 10-981-8

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:

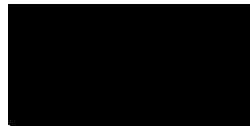
1. Respondent is licensed to practice nursing in Kansas through 4/30/2013. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service 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.



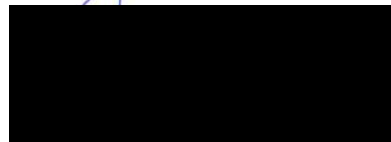
Sandra L. Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

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:

LaShon V. Bugg
2749 SW Belle
Topeka, KS 66614



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
LASHON BUGG
License No. 13-74221-041**

Case No. 10-981-8

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KSBN**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, LaShon Bugg, is licensed to practice nursing in Kansas through 04/30/2013. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 2749 SW Belle St, Topeka, KS 66614.
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 as an RN in Kansas on 10/19/1995, and his license is good through 04/30/2013 on its most recent renewal.

(b) From 08/31/2009 – 07/06/2010 Respondent was employed by Brewster Place Health Center, Topeka, KS.

(c) On or about the evening of 05/11/2010-05/12/2010, Brewster's security system shows Respondent leaving the facility and re-entering the facility thirty minutes later twice in one shift. Brewster policy allows for one thirty minute break per shift; the second unauthorized exit occurred while Respondent was the only night nurse and acting as charge nurse. One witness alleges that the Respondent taking smoke breaks or chatting while patients have yet to receive medication is a common occurrence.

(d) On or about 06/27/2010 Respondent was distributing medications to patients when a patient approached him to complain of a whistle in her hearing aid. Witnesses to the incident report that the Respondent stood behind the patient and made a humming noise, and that when the patient would turn around to try to find him the Respondent would hide from her. Even when the patient told him that she did not find it funny, Respondent continued to tease her in this fashion, including crawling on the floor to go tend to other patients so the patient in question would not find him.

(e) Respondent was terminated by Brewster after a period of unpaid leave for investigation on 07/06/2010 for the incidents listed above. The incident was referred to the Kansas State Board of Nursing on 07/26/2010.

(f) Numerous letters have been sent to the Respondent by the Board investigator, without answer and numerous phone calls going unanswered as well. Letters have been sent in on 04/04/2011, 04/19/2011, 05/10/2011, and 06/17/2011, and phone calls placed 5/24/2011, 5/31/2011, 06/01/2011, 06/0/2011.

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(e) (3) any threat, menacing conduct, or other nontherapeutic or inappropriate action that results in or might reasonably be expected to result in a patient's unnecessary fear or emotional or mental distress.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct 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 4: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(e)(4), physical abuse, which shall be defined as any act or failure to act performed intentionally or carelessly that causes or is likely to cause harm to a patient by failure or omission to provide any goods or services that are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm.

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
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Topeka, KS 66612