

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**OCT 20 2009**

**KSBN**

**IN THE MATTER OF**

**LASTACIA R. LEONARD**

**License No. 13-78179-111**

**ARNP License No. 53-45391-111**

**Case No. 09-102-1, 08-331-1**

**OAH No. 10BN0006**

**CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER**

NOW ON THIS 19<sup>th</sup> day of October, 2009, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Licensee, Lastacia R. Leonard and her attorney N/A, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

**AGREED FINDINGS OF FACT**

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee is licensed to practice nursing in Kansas through 11/30/2009. The Kansas State Board of Nursing (KSBN) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is 405 Sara Place, Holcomb, KS 67851.
3. 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 is established.
4. The Board has requested that a petition be filed to take disciplinary action against the licensee's license.

5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).

6. Licensee has the right to these hearings and the right to seek review of the findings from the hearings in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Licensee is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

7. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.

8. (a) A petition was filed 7/19/2009 to take disciplinary action against the licensee's license.

(a) On or about 11/22/2004, Respondent submitted to an [REDACTED] [REDACTED] [REDACTED] A recommendation was issued by [REDACTED] which included the one year [REDACTED] P plan due to a [REDACTED] [REDACTED], as well as a recommendation that Respondent not have access to narcotic medications in the workplace.

(b) On or about 1/13/2005, Respondent entered an extended evaluation agreement [REDACTED] [REDACTED] [REDACTED]

(c) On or about 1/13/2006, Respondent successfully completed the [REDACTED] [REDACTED]

(d) On or about 9/22/2006, Respondent began working as a nurse at Bob Wilson Memorial Grant County Hospital (Bob Wilson Hospital), Ulysses, Kansas.

(e) On or about 3/4/2008, Respondent was working as a nurse at Bob Wilson Hospital. On or about 3/4/2008, Respondent removed doses of demerol from the pyxis system. Respondent did not document administering the demerol to the patient noted in the pyxis

system. Demerol is a narcotic drug. Bob Wilson Hospital policy required the documentation of administering the demerol.

(f) On or about 3/4/2008, Respondent removed doses of morphine from the pyxis system. One of the doses was a carpject syringe of morphine from the pyxis system. Respondent did not document administering the morphine to the patient noted in the pyxis system. Morphine is a narcotic drug. Bob Wilson Hospital policy required the documentation of administering the morphine.

(g) On or about 3/6/2008, a Bob Wilson staff member located a used syringe on the floor of an office she shared Respondent. The syringe was secured and the Facility administrators were contacted.

(h) On or about 3/18/2008, Respondent's employment at Bob Wilson Hospital was terminated.

(i) On or about 6/4/2008, Respondent again entered the [REDACTED] As part of her contract with [REDACTED] Respondent was place on a narcotic key restriction.

(j) On or about 7/29/2008, Respondent entered a Diversion Agreement for charges of Possession of an Opiate Drug and Theft, in the District Court of Grant County, Kansas, case number 08CR65.

(k) On or about 8/1/2008, Respondent advised KSBN Investigator, E. Curtis that she diverted morphine while working at Bob Wilson Hospital. Respondent advised she shot up two doses while at work and one dose while at home.

(l) On or about 11/11/2008, Respondent began employment as a nurse at Western Plains Medical Complex (Western Plains), Dodge City, Kansas. At the time of her employment Respondent did not advised Western Plains that she was under a narcotic key restriction due to her [REDACTED] contract.

(m) On or about 11/30/2008, Respondent removed a carpject syringe of morphine without charting the administration of the morphine.

(n) On or about 1/12/2009, while working at Western Plains, Respondent removed multiple doses of Demerol 100 mg from the pyxis system for patient A.M. Respondent did not chart the administration of the medication on the Medication Administration Record (MAR). The physician order was for Demerol 75 mg every six hours as needed. Demerol is a narcotic drug.

(o) On or about 1/13/2009, while working at Western Plains, Respondent removed doses of Demerol 100 mg from the pyxis system for patient A.M. at 0040 and 0603. Respondent did not chart the administration of the medication on the MAR. The physician order was for Demerol 75 mg every six hours as needed. Demerol is a narcotic drug.

(p) On or about 1/15/2009, while working at Western Plains, Respondent removed doses of Demerol 25 mg from the pyxis system for patient D.W. 1907 and 1932. Respondent did not chart the administration of the medication on the MAR. The physician order was for Demerol 25 mg every four hours as needed. Demerol is a narcotic drug.

(q) On or about 1/16/2009, while working at Western Plains, Respondent removed doses of Dilaudid 2 mg from the pyxis system for patient E.N. at 0103, 0438, and 0607. Respondent did not chart the administration of the medication on the MAR. The physician order was for Dilaudid 0.2 mg every four hours as needed. Dilaudid is a narcotic drug.

(r) On or about 1/17/2009, while working at Western Plains, Respondent removed doses of Morphine 10 mg from the pyxis system for patient M.S. at 0345, 0622, and 2305. Respondent did not chart the administration of the medication on the MAR. The physician order was for Morphine 4 mg every four hours as needed. Demerol is a narcotic drug.

(s) On or about 2/5/2009, Respondent submitted to a drug screen at the request of Western Plains staff. The drug screen was positive for morphine and oxycodone.

(t) On or about 2/12/2009, Respondent's employment at Western Plains was terminated.

(u) On or about 2/20/2009, Respondent was evaluated at the direction of [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(v) On or about 4/24/2009, Respondent advised KSBN Investigator, E. Curtis that she diverted narcotics while working at Western Plains.

(w) The respondent sent a letter to the board 10/4/2009 stating her wish to surrender her license.

### **CONCLUSIONS OF LAW**

9. 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.

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

Count 1: 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 2: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.

Count 4: 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 5: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

### **POLICY STATEMENT**

11. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

## DISPOSITION

12. Based upon this agreement, the parties agree that Licensee is surrendering licensee's license to practice nursing in the state of Kansas.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Licensee's license to practice nursing in Kansas is immediately revoked. Licensee shall not practice nursing in the state of Kansas.

14. Upon signing this agreement and returning it to the Board, licensee shall return licensee's license card with the agreement.

15. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document shall be kept in the Board's agency file. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Consent Agreement to Surrender and Revoke is the date shown on the certificate of service.

16. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

17. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

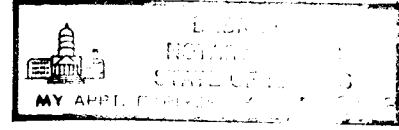
18. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER.

**IT IS SO ORDERED.**

Lastacia R. Leonard must sign before a Notary Public.

\_\_\_\_\_  
Lastacia R. Leonard  
Respondent  
405 Sara Place  
Holcomb, KS 67851



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Counsel for Respondent, #

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

\_\_\_\_\_  
Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 19<sup>th</sup> day of October, 2009, I <sup>*hand delivered*</sup> mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Lastacia R. Leonard  
405 Sara Place  
Holcomb, KS 67851

, #  
Counsel for Licensee

\_\_\_\_\_  
Alma A. Heckler, #11555  
Assistant Attorney General