

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED #539
OCT 17 2012 *plb*

IN THE MATTER OF TONI JOANNE COTTONE

License No 13-80065-031

KSBN

Case No. 10-618-6 and 08-036-6

PETITION

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

1. Respondent, Toni Joanne Cottone, is licensed to practice nursing in Kansas through March 30th, 2013. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 503 Viener, Frontenac, Kansas 66763-1988
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 went to work and did not disclose a felony conviction.
 - (b) Respondent did not report the conviction to KSBN within 30 days as required.

- (c) Investigative committee requested licensee complete 2 hrs CNE on KNPA and received letter agreement to complete this CNE
- (d) KSBN has not received the CNE certificates of completion as agreed.
- (e) The investigation revealed that while Respondent was employed at Sunset Manor in Frontenac, Kansas, it alleged that licensee administered ten times the amount of narcotics ordered.
- (f) On January 14th, 2010 Respondent committed a medication error and missed two doses of a medication (heparin), making a transcription error and correct order was not written on MAR.
- (g) On February 17th, 2010 Respondent failed to give a medication (Risperdal) which increased negative behaviors in a resident resulting in two falls.
- (h) On February 14th and February 16th, 2010 Respondent administered twice the amount of a medication (Robitussin) to a patient.
- (i) Respondent was terminated from employment of the 1st day of March, 2010.

VIOLATIONS

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

Count 1 K.S.A. 65-1120(a)(3) to have committed an act of professional incompetency as defined in subsection (e).

Count 2: K.S.A. 65 1120(a)(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board by violating the existing policies and procedures of the medical facility KAR 60-3-110 (b).

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

Count 4: K.S.A. 65-1120(a)(3), committed an act of professional incompetency as defined in subsection (e):

Count 5: Failed to to take appropriate action or to follow polices and procedures...

K.A.R. 60-3-110(c);

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: 

Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
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Topeka, KS 66612

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

1 FEB '13 AM 9:35

FILED #803
FEB 08 2013 #206

IN THE MATTER OF TONI JOANNE COTTONE

License No 13-80065-031

KSBN

Case No. 10-618-6 and 08-036-6

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 29th day of January, 2013, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Michael R. Fitzgibbons, Assistant Attorney General, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

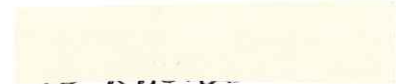
1. Respondent is licensed to practice nursing in Kansas through March, 2013. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service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




Michael R. Fitzgibbons, #12287
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 8th day of Feb, 2013, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Toni Joanne Cottone
503 Viener
Frontenac, Kansas 66763-1988


Michael R. Fitzgibbons, #12287
Assistant Attorney General