

AUG 22 2002

Board of Nursing

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

IN THE MATTER OF THE LICENSE OF

**RITA ANN KUNTZ**

LICENSE NO. 13-080420-022

**CASE NO. 01-553-3, 00-235-3****DEFAULT ORDER DENYING LICENSE**

NOW ON THIS 6<sup>TH</sup> day of August, 2002, petitioner appears by disciplinary counsel, Alma A. Heckler, for a pre-hearing conference on the petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent filed a reinstatement application on October 11, 2001. By order effective August 6, 2002, the board denied respondent's application to renew her R.N. license after a finding that the respondent had violated the nurse practice act. The respondent was in violation of K.S.A. 65-1120(a)(6), unprofessional conduct by diversion of drugs and by inaccurate recording of a patient record; K.S.A. 65-1120(a)(4), unable to practice with skill and safety due to current abuse of drugs or alcohol; and K.S.A. 65-1120(a)(1), fraud and deceit in practicing nursing. The respondent has also failed to receive an evaluation from the Kansas Nurses Assistance Program. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order granting the petition.
4. The petition is hereby granted and incorporated into this order as if set forth herein.
5. Per petitioner's request, respondent's application for a license to practice nursing is denied. Respondent may not practice nursing in Kansas.
7. 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.
8. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

**IT IS SO ORDERED.**



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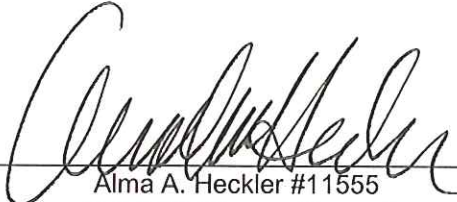
Terry E. Beck  
Hearing Officer

Prepared By:

  
Alma A. Heckler, Assistant Attorney General

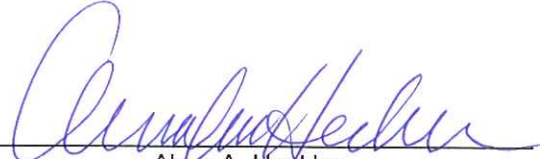
**NOTICE**

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within ten days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.

  
Alma A. Heckler #11555  
Assistant Attorney General  
900 S.W. Jackson, Suite #551-S  
Topeka, Kansas 66612-1230  
785/296-4325

**CERTIFICATE OF SERVICE**

On the 7<sup>th</sup> day of August, 2002, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to respondent Rita Ann Kuntz at 3029 Foxboro, Salina, KS 67401.

  
Alma A. Heckler

APR 17 2002

**BEFORE THE KANSAS STATE BOARD OF NURSING**LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #551-S  
TOPEKA, KANSAS 66612-1230**Board of Nursing**IN THE MATTER OF THE LICENSE OF  
**R.N. NO. 13-080420-022**  
**RITA ANN KUNTZ****CASE NO. 00-235-3**  
**01-553-3****PETITION**

**COMES NOW** the petitioner, the Kansas State Board of Nursing, by and through disciplinary counsel for the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent's address of record is 3029 Foxboro, Salina, Kansas 67401.
2. Agency filed a petition in Kansas Board of Nursing Case Number 00-235-3 alleging respondent was employed as a nurse as a facility in Salina, Kansas, from 5/26/98 to 4/3/00. Respondent was suspended and then terminated for theft of narcotics. On or about 3/31/00, a facility nurse noted that several doses of morphine had been checked out over the past twelve hours and there were no corresponding documentation of use by patients. The morphine was not charted as dispensed or wasted. Respondent admitted to taking the morphine for her own use. Patients were charged for drugs they did not receive due to respondent's theft of morphine and the facility had to audit over six hundred (600) medical records and reimburse patient accounts.
3. Respondent failed to appear at the a scheduled hearing on April 10, 2001 and by default her license was indefinitely suspended. She was found to be in violation of K.S.A. 65-1120(a)(6), unprofessional conduct by diversion of drugs and by inaccurate recording or falsifying of a patient record; K.S.A. 65-1120(a)(4), unable to practice with skill and safety due to current abuse of drugs or alcohol; and K.S.A. 65-1120(a)(1), fraud and deceit in practicing nursing.
4. Respondent filed a motion to vacate the default order and again failed to appear on June 13, 2001, to argue her motion. The default order was not vacated.
5. Respondent filed a request to lift the suspension on her license on October 11, 2001. The request was reviewed by the board in December, 2001 and the board declined to reinstate. A second investigation was opened by the board, Case Number 01-553-3, and was prompted by

respondent's failure to comply with the requirements of the Kansas Nurses Assistance Program (KNAP). On two occasions since November, 2000, while under the supervision of KNAP, respondent was employed by two facilities and she failed to inform both of them that she was under KNAP supervision. Additionally, she failed to inform KNAP of her employment. Respondent has, also, failed to complete treatment at Prairie View, Inc. in Newton, Kansas. Furthermore, while respondent was employed at the facilities, both of them experienced the loss of significant amounts of medications. While employed at the facilities, the respondent failed to complete drug screens for KNAP, when requested. Respondent was an employee of a hospital in McPherson County and while employed 11/5/00 and 1/21/01, 150 vials of morphine and 20 tabs of Loratab pills were reported missing. A pharmacy audit uncovered the loss and the loss period corresponds with the respondent's employment. Additionally, while employed as a staffing nurse during the month of March, 2001, a loss of 35 Valium was reported missing from a patient's home. The investigation of the allegations in Case number 01-553-3, were found by the investigator to be further violations of K.S.A. 65-1120(a)(6), unprofessional conduct by diversion of drugs and by inaccurate recording or falsifying of a patient record; K.S.A. 65-1120(a)(4), unable to practice with skill and safety due to current abuse of drugs or alcohol; and K.S.A. 65-1120(a)(1), fraud and deceit in practicing nursing.

6. An evaluation was completed by Dunn Counseling and Consulting, Inc. on 10/22/01, after the respondent attempted to re-enroll in KNAP, and KNAP and the evaluation recommended that the respondent not practice until she completes the treatment recommendations and has a release from her therapist that she is safe to practice. The board has not yet received a release.
7. The board has jurisdiction to deny, limit, or suspend a license when a violation of K.S.A. 65-1120(a) is established. Per the *Vakas* case, 248 Kan. 589 (1991), the following factors shall be considered in determining whether a license should be reinstated without limitations after a disciplinary finding has been made:
  - The present moral fitness of the petitioner;
  - The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
  - The extent of petitioner's rehabilitation;

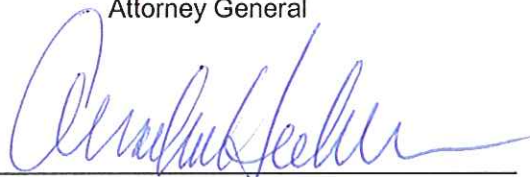
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.

**WHEREFORE**, petitioner requests that respondent prove that her license should be reinstated without limitations, but in light of the additional violations of the Kansas Nurse Practice Act investigated and found credible since her license was suspended, it is requested that the respondent's application be denied, and the suspension of her license continue, and that the costs of this action be assessed to respondent.

Respectfully submitted,

Carla J. Stovall  
Attorney General

By: \_\_\_\_\_



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