

FILED

NOV 15 2016

KSBN

KANSAS STATE BOARD OF NURSING

Landon State Office Building
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230

IN THE MATTER OF)
)
JENNIFER JO DOUCET)
License No. 13-83376-012)

Case Nos. 10-1245-7 & 13-303-8
OAH No. 15BN0148

**ORDER
GRANTING STAY**

On November 15, 2016, the above-referenced matter comes for consideration on the Petition for Stay filed by Jennifer Jo Doucet, by and through her attorney, Danielle R. Sanger. There are no appearances. Pursuant to K.S.A. 2016 Supp. 77-527(a)(2)(B), the Kansas State Board of Nursing (Board) has delegated to Board member Carol Bragdon its authority to determine whether to grant or deny a Petition for Stay and to issue an order accordingly.

After considering the Petition for Stay of Effectiveness, the Petition for Review of the Initial Order, the Initial Order, and the Board's Petition requesting revocation, the Board grants Doucet's Petition for Stay as set forth below.

Findings of Fact

1. On October 19, 2016, the Presiding Officer at the Office of Administrative Hearings issued an Initial Order in the above-referenced matter based upon the evidence presented at a hearing. The Presiding Officer found that Doucet violated two provisions of the Kansas Nurse Practice Act and revoked Doucet's nursing license.

2. On November 3, 2016, Doucet filed a Petition for Review of the Initial Order and a Petition for Stay of Effectiveness of the Initial Order. No response was filed on behalf of the Board regarding Doucet's petitions.

3. An Order denying Doucet's Petition for Review was issued today. The Order denying her Petition for Review is incorporated herein by reference.

Conclusions of Law

4. Pursuant to K.S.A. 2016 Supp. 65-1120(b), administrative proceedings concerning a nursing license "shall be conducted in accordance with the provisions of the Kansas administrative procedure act" (KAPA), K.S.A. 77-501 *et seq.*

5. The KAPA provision governing a petition for stay states:

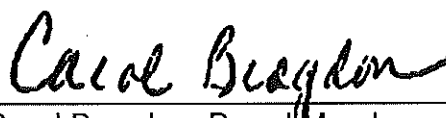
“Until the time at which a petition for judicial review would no longer be timely, a party may submit to the presiding officer or agency head a petition for stay of effectiveness of an initial or final order, unless otherwise provided by statute or stated in the initial or final order. The presiding officer or agency head may take action on the petition for stay, either before or after the effective date of the initial or final order.” K.S.A. 2016 Supp. 77-528.

6. After considering the above, the Board concludes that Doucet’s Petition for Stay should be granted and that the stay of effectiveness should continue until the expiration of the time for filing a petition for judicial review. If Doucet does not file a petition for judicial review before the expiration of the time for filing a petition for review, the stay shall be lifted and her nursing license revoked.

Order

WHEREFORE, it is the decision and order of the Board that Jennifer Jo Doucet’s Petition for Stay of the Initial Order in the above-referenced case be granted and that the stay will continue until the expiration of the time for filing a petition for judicial review. It is further ordered that if Respondent does not file a petition for judicial review before the expiration of the time for filing a petition for review, the stay shall be lifted and her nursing license revoked.

IT IS SO ORDERED.



Carol Bragdon, Board Member
On behalf of and as authorized by the
Kansas State Board of Nursing

NOTICE OF ADMINISTRATIVE RELIEF

The above Order denying Jennifer Jo Doucet's Petition for Review of the Initial Order is a Final Order. Pursuant to K.S.A. 77-529, a party may file with the Board a petition for reconsideration within 15 days from the date noted below in the Certificate of Service. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review. The agency designee who may receive service of a petition for reconsideration on behalf of the Board is Mary Blubaugh, Executive Director, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Ste. #1051, Topeka, Kansas 66612-1230.

NOTICE OF JUDICIAL RELIEF

Pursuant to K.S.A. 77-613, a party may file within 30 days from the date noted below in the Certificate of Service a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The agency designee who may receive service of a petition for judicial review on behalf of the Board is Mary Blubaugh, Executive Director, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Ste. #1051, Topeka, Kansas 66612-1230.

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2016, copies of the above Order and Notices were deposited with the United States Postal Service, postage pre-paid, and addressed to:

Jennifer Jo Doucet
2320 SE Pennsylvania
Topeka, KS 66605

Danielle R. Sanger
Sanger Law office
5040 Bob Billings Parkway, Suite C-1
Lawrence, KS 66049

and hand delivered to:

Bryce Benedict
Assistant Attorney General
Disciplinary Counsel for the
Kansas State Board of Nursing
900 SW Jackson, Suite 1051
Topeka, KS 66612



Staff, Kansas State Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF JENNIFER JO DOUCET

License No. 13-83376-012

Case No. 10-1245-7 AND 13-303-8

FILED

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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, Michael R. Fitzgibbons, and for its cause of action states that:

1. Respondent, Jennifer Jo Doucet, is licensed to practice nursing in the State of Kansas. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1608 SW Harrison, Topeka, Kansas 66606.
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) According to the report, it is alleged that licensee failed to report conviction of criminal alcohol offense.

- (b) According to another report, while licensee was employed at Doctor's Hospital in Overland Park, Kansas, licensee administered Lortab to a patient in error.
- (c) Licensee failed to check the patient's wrist band.
- (d) MARS did not indicate that patient had any orders for Lortab.
- (e) The Policy is that Patient Identification of at least two patient identifiers will be used to correctly identify a patient
- (f) This incident occurred on or about the 9th day of April, 2010.
- (g) According to another report, while employed at Providence Living Center, In Topeka, Kansas licensee had been repackaging narcotics.
- (h) Licensee was contacted about the repackaging and she did not deny that it had been done.
- (i) Licensee was referred to the KNAP program for evaluation and possible monitoring if required.
- (j) Licensee was referred to KNAP on the 20th day of June, 2014.
- (k) Licensee's KNAP case was closed for failure to sign the three year agreement.

VIOLATIONS

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

Count 1 K.S.A. 65-1120(e)(1) to have committed an act of professional incompetency as defined in subsection (e) in one or more instances involving failure to adhere to the applicable standards of care to a degree which constitutes gross negligence, as determined by the board.

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

Count 4: K.S.A. 65-1120 (a) (1) to be guilty of fraud and deceit in practicing nursing.

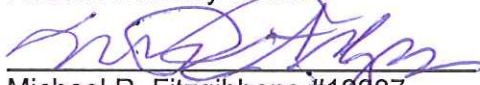
Count 5 K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that licensee's nursing license in the state of Kansas be revoked and the Costs of this action be assessed to the respondent in at least the amount of \$100.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:


Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612