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BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF AMY MARIE NICHOL

License No. 13-83623-082

Case No. 14-1120-3

SUMMARY ORDER

NOW ON THIS 4th day of September, 2014, THE ABOVE MATTER COMES BEFORE THE Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. This Licensee is licensed to practice nursing in the State of Kansas until 31 August 2014.

The Board has jurisdiction over the Licensee and the subject matter of this action.

2. Licensee's address of record is 357 E. Washington P.O. Box 115 Kirwin, Kansas 67644..

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. Review of the information gathered by the Board revealed the following upon which this action is based.

(a) According to a report, it is alleged that while licensee was employed by Parkview Care Center, Osborne, Kansas, licensee diverted narcotics.

(b) Three patients under her care had missing narcotics.

(c) Licensee was found unresponsive at work.

- (d) Licensee was in the bathroom with narcotics, used syringes and alcohol pads.
- (e) Narcotics were found in her purse and a syringe needle injection site on her arm.
- (f) Licensee left the building by ambulance.
- (g) Licensee was suspended immediately on the 14th day of May 2014.
- (h) A Criminal Investigation in underway by Osborne Police Department for pending felony charges
- (i) Licensee was terminated from her employment

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by diversion of narcotics and using drugs at her employment is a serious and dangerous breach of the public trust and serious violation of the Kansas Nurse Practice Act.

CONCLUSIONS OF LAW

- a K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) ;
- b. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- c. K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

6. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse , as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;

Count 2: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 3: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings do not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.

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

POLICY STATEMENT


1. Inability to practice nursing due to serious impairment cause by use of narcotics poses a great public risk, and is a violation of the Kansas Nurse Practice Act.
2. Criminal activity and diversion of narcotics are damaging to the nurse profession.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. **Licensee's license is revoked.**
2. **Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for hearing. If you desire a hearing, you must submit or direct a **written** request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. **THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER.** If a hearing is not

Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 4th day of September, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Amy Marie Nichol
357 E. Washington
P.O. Box 115
Kirwin, Kansas 67644


Michael R. Fitzgibbons #12287
Assistant Attorney General