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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
STEPHANIE FERNANDEZ
License No. 13-83986-032**

Case No. 13-327-5

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 26th day of August, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, 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 as an RN in Kansas through 3/31/2016 and was licensed to practice nursing at the time of the misconduct alleged in the petition. 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 address of record and service is proper. Respondent agreed to a continuance from the July 29, 2014 prehearing so that she could enter into an initial agreed order to resolve the case but has failed to sign it and forward it with the costs. Respondent does not appear at prehearing today. Respondent was reminded by the Board by letter dated August 20, 2014 that she needed to make herself available for the prehearing set for today.
3. Petitioner moves for issuance of a proposed default order revoking respondent's RN 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 any license cards in his or her possession 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.



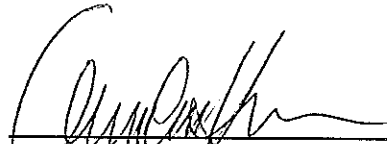
Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-520(b) within seven (7) days after service of a proposed default order, the party against whom the default order was issued may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon.

Pursuant to K.S.A. 77-520(c) the proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time. The motion to vacate 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. 77-531, if the default order is served by mail, three days are added to the time limits set out above.

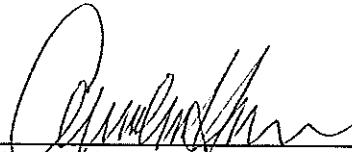


Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 3rd day of September, 2014, 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:

Stephanie Fernandez
4474 Westlake Court
Belaire, Kansas 67220



Alma A. Heckler, #11555
Assistant Attorney General

BEFORE THE KANSAS STATE BOARD OF NURSING

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**IN THE MATTER OF
STEPHANIE FERNANDEZ
License No. 13-83986-032**

KSBN

Case No. 13-327-5

PETITION

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

1. Respondent, Stephanie Fernandez, is licensed to practice nursing in Kansas through 3/31/2016. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 4474 Westlake Court, Belaire, Kansas 67220.
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 has had several investigations before the Board, all involve some kind of drug use or diversion of drugs:

In Case No. 93-430-5 respondent filed an initial LPN application and a background check revealed she had two prior Driving Under the Influence (DUI) convictions, her driver's license was suspended and then revoked in 1990 due to a DUI. Her fines were paid and rehabilitation were completed. Case was inactivated.

In Case No. 04-832-5 respondent entered into a diversion agreement with the Board due to allegations of drug and alcohol abuse and her failure to comply with KNAP.

In Case No. 08-090-5 respondent was accused of drug diversion.

In Case No. 09-281-6 respondent was reportedly smoking marijuana and using patient's urine to pass blood tests. Respondent refused to take a urine screen or complete a blood test and KNAP had recently successfully released her from its program.

(b) In the current case, Case No. 13-327-5 respondent was employed by Larksfield Place in Wichita, Kansas on or about 1/7/2013. Staff reported to management the narcotic count on 1/7/2013 was off in Cart 3. Staff showed facility management staff, foiled cards for Norco for three patients that had the foil packs punched out and then taped back shut. A card for Percocet for one patient had ten (10) Percocet punched out and then taped up. All of the missing Narco and Percocet had been replaced with Tylenol 500. All the staff who had access to the medications were tested. The respondent was the only nurse who tested positive and she tested positive for both marijuana and narcotics. Respondent claimed she had a prescription for Percocet and she brought in an empty bottle with prescription information taped to it. The bottle shows a one time prescription for 10 mg. Percocet with no refills. Respondent employment was terminated.

(c) Respondent has a history of failing to report convictions and discipline against her driver's license to the Board and others:

On or about 7/28/2004 respondent was convicted in Municipal Court of Wichita, Kansas of misdemeanor no proof of vehicle liability insurance;

On or about 3/6/2006 respondent failed to document any misdemeanor convictions or disciplinary actions against her driver's license on her 2006 nursing renewal application;

On or about 3/26/2010 respondent failed to document any misdemeanor convictions or disciplinary actions against your driver's license on your 2010 on-line RN renewal application:

On or about 9/10/2012 respondent failed to document her misdemeanor convictions on her employment application for Larksfield Place Health Care Center in Wichita, Kansas.

(d) Respondent has a history of driving under the influence, allegations of drug diversion, positive drug screens, failing to report convictions and it is dangerous to herself and others for her to continue to practice nursing without monitoring.

VIOLATIONS

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

Count 1: 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 2: K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...;

Count 3: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

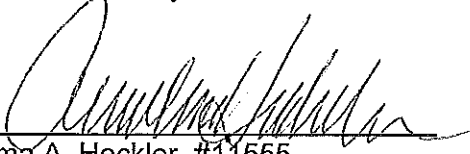
Count 4: K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the board; specifically K.A.R. 60-3-110(n) diverting drugs, supplies, or property of any patient or agency.

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 at least the amount of \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:


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