

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

JAN 10 2014

KSBN

IN THE MATTER OF JASON WAYNE TERRELL

License No. 13-86168-121

Case No. 12-149-8

SUMMARY ORDER

NOW ON THIS 10th day of January, 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. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 708 SW Plass Ave 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. 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 a Stormont Vail licensee had discrepancies in Omnicell transaction.
 - (b) Licensee validated that he removed narcotics for patient procedures and diverted them for his personal use.
 - (c) According to the Drug/Alcohol Testing program policy, this conduct resulted in his termination of employment on the 17th day of November, 2011.

- (d) Licensee received an evaluation indicating opioid abuse and recommended rehab and KNAP with safety to practice.
- (e) Licensee signed a KNAP Agreement on the 28th of November 2011.
- (f) Licensee was non compliant in January 2012 for failure to attend 12 step meetings.
- (g) In April 2012, Licensee submitted 12 step meeting sheet late.
- (h) In June 2012, licensee submitted positive UDS for Oxycodone.
- (i) Licensee was sent for a second evaluation on the 29th of June 2012 and instructed to cease working.
- (j) While submitting to a second evaluation on the 12th day of July 2012, licensee submitted another UDS that was positive for opiates while in the office and had the appearance of being high.
- (k) Licensee entered and completed a residential treatment program for two weeks.
- (l) In June, 2013 KNAP case was closed for non compliance.
- (m) Licensee had multiple low creatines on his UDS.
- (n) On the 19th day of September 2013, Licensee was again referred back to KNAP.
- (o) Licensee failed to have a chemical dependency evaluation done and his file was again closed.
- (p) On or about the 26th day of September, licensee was arrested and charged with three (3) counts of felony forgery and three (3) counts of unlawfully obtaining prescription drugs.
- (q) Licensee admitted to stealing prescription drug pad and forged prescriptions.

5. This Licensee violate the Nurse Practice Act by unprofessional conduct by gross negligence in practicing nursing, inaccurately recording and failure to take appropriate action.

CONCLUSIONS OF LAW

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

- b. K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.
- c. K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;
- d. K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended ... by a licensing authority of another state.
- e. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- f. 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).
- g. 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)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

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

Count 4: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended ... by a licensing authority of another state.

Count 5: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 6: 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).

Count 7: 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. Truthfulness is the hallmark of the nursing profession and failing to disclose criminal behavior.
2. Diversion of drugs and use of drugs are detrimental to public safety.
3. Failure to comply with Impaired Provider Programs violates the public trust.
4. Allegedly Stealing prescription pads and forging prescriptions violates fundamentals of the nursing profession.


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

1. **Licensee's license to practice nursing in the state of Kansas 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 requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing.


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 10th day of January, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Jason Wayne Terrell
708 SW Plass Ave
Topeka, Kansas 66606


Michael R. Fitzgibbons #12287
Assistant Attorney General