

February 7, 2009

Gary A. Steffen  
1930 North 1200 Road  
Eudora, KS 66025

Case No. 99-264-0, 06-1100-8, 08-1088-8  
License No. 13-087489-092

**SUMMARY ORDER**

Dear Mr. Steffen:

The Investigative Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a registered nurse in Kansas is denied. This denial is based upon the following:

**FINDINGS OF FACT**

1. (a) On or about December 10, 2008, the Board received Respondent's application for reinstatement of his license to practice nursing in the state of Kansas as a registered nurse. The Respondent had let his license lapse on or about September 30, 2008. Respondent was enrolled in the [REDACTED] the time he failed to renew. Respondent had entered the [REDACTED] on or about May 12, 2007 and was directly referred to [REDACTED] by the Kansas Board of Nursing.

(b) In Case No. 06-1100-8, the Respondent was terminated by the Kansas Dialysis Center in Topeka, Kansas on or about December 5, 2006. Respondent called in prescriptions for Lortab without a physician's knowledge in a patient's name and then picked up the prescription himself. From September 19, 2006 to December 4, 2006, the patient had 900 tabs of Lortab filled for her and picked up by the Respondent. The patient reported she sometimes takes four (4) tabs a day but often does not take any at all. The number of Lortab filled far exceeds the number consumed by the patient. Respondent had been warned by the facility not to pick up prescriptions for the patients.

(c) The Respondent failed to report a conviction of eluding a police officer. The conviction occurred in 2000 and Respondent failed to report it on his 2002, 2004 and 2006 on line renewals.

(d) The Respondent's [REDACTED] case was closed on 11/21/2008 after [REDACTED] P was informed he had failed to renew his license. A review of his KNAP filed showed he had tested positive for controlled or restricted substances on all urinalysis he submitted to during the period of June 6, 2007 to November 30, 2008. Respondent submitted scripts for the period of 2/28/08 to 11/2/08 for the following prescriptions:

Morphine 60 tablets  
Hydrocodone 364 tablets  
Oxymorphone 60 tablets  
Buccal Fentanyl 28 tablets  
Tramadol 42 tablets  
Fentura 28 tablets  
Morphine ER 90 tablets  
Oxycodone 102 tablets  
Oxycontin 420 tablets  
Fentanyl 10 patches  
Methadone 20 tablets

A review by the Board investigator of the Respondent's [REDACTED] P file revealed prescriptions from twelve (12) different providers, which were filled at five (5) different pharmacies. [REDACTED] failed to ask the Respondent about the purpose of the drugs. [REDACTED]

[REDACTED] None of the physicians who prescribed the medications are orthopedics.

(e) When interviewed by the Board investigator on January 26, 2009, the Respondent reported a history of back pain but had no other explanation for the large number of pain medications. He did not provide a plan of care to [REDACTED] and could not explain why he had gone to several different physicians for care of back pain. The Board finds that the Respondent is not safe to practice because of the significant number of medications he is prescribed for back pain and his self report of his physical condition.

#### CONCLUSIONS OF LAW

2. 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 this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

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

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.

(c) 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.

(d) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

(e) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.


3. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application in whole or in part.

4. Your conduct described herein violates the Kansas Nurse Practice Act.

5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.
7. Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

  
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Janet Jacobs, LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 9<sup>th</sup> day of February 2009, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Gary A. Steffen  
1930 North 1200 Road  
Eudora, KS 66025

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Alma A. Heckler, #11555  
Assistant Attorney General