

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED *855*
JAN 31 2013 *per*

IN THE MATTER OF STACIE ALLISON VIERS

KSBN

License No. 13-87497-081

Case No. 12-847-3

SUMMARY ORDER

NOW ON THIS 31st day of January, 2012, 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 nursing license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. 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. Applicant's address of record is 214 N. 8th Street Fredonia, Kansas 66736.
3. On or about March 14th, 2012, the Board received complaint regarding this nurse's conduct, suspension and final termination of employment.
4. Review of the information gathered by the Board revealed the following information upon which this action is based.
 - a. According to the report, it is alleged that while you were employed at Salina Regional Health Center located in Easton, Kansas, a Anomalous Usage report was submitted showing licensee's pyxis activity removing Morphine and Fentanyl by override and in amount greater than physicians order on or about the 29th of February, 2012.
 - b. A UDS was conducted on the 29th of February, 2012 showing positive indication for hydrocodone and fentanyl.
 - c. Licensee eventually admitted to the diversion of drugs for personal use.
 - c. This licensee was suspended and then terminated on the the 8th day of March, 2012.

d. Licensee entered into KNAP with a three year contract on the 9th day of July, 2012 with a six (6) month key restriction.

e. It is also alleged that while licensee employed at Fredonia Regional Hospital, this licensee removed hydromorphone for at least 6 patients from the 1st day of October, 2012 to the 16th day of October, 2012, while no orders for hydromorphone were entered.

e. Licensee removed merperidine for one patient when no orders were entered.

f. Licensee arrived via ambulance on the 17th day of October, 2012, after licensee became depressed and inject herself with Dilaudid and slit her wrist in a suicide attempt.

g. On October 17th, 2012, KNAP was contacted by your employer stating that licensee had been suspended due to diverting narcotics and lying about narcotics restrictions.

h. A new three year KNAP program was proceeding dating from this relapse.

g. Supervisor met with licensee and discussed termination at which time licensee admitted to diverting drugs for personal use.

h. Licensee was suspended and terminated on the 19th day of October, 2012.

i. KNAP case was closed as unsuccessful on the 31st day of October, 2012

j. Email received from this licensee stating: "Hi, this is Stacy Viers, I got your letter last week. I just wanted to let you know I'm just going to walk away from nursing. Too many personal issues, it's time to move on. So you can close my case, turn me in, do what ever you need to do. I won't be renewing my nursing license anyway" received on the 31st day of October, 2012.

CONCLUSIONS OF LAW

1. Pursuant to KAR 60-3-110 (n) Unprofessional conduct i.e. "diverting drugs, supplies or property of any patient or agency" The licensee's actions are reflected in the allegations contained in the risk management reports submitted to the Board.
2. Pursuant to KSA 65-1120 (a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

3. Pursuant to KSA 65-1120 (e)(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.
4. K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations.
5. 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 applicant, licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.
6. The above fact findings established evidence that the applicant violated the following provisions of the Nurse Practice Act:
 - a. Pursuant to KAR 60-3-110 (n) Unprofessional conduct i.e. "diverting drugs, supplies or property of any patient or agency" The licensee's actions are reflected in the allegations contained in the risk management reports submitted to the Board.
 - b. Pursuant to KSA 65-1120 (a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol.
 - c. Pursuant to KSA 65-1120 (e)(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.
 - d. Pursuant to 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).
7. Licensee's conduct described herein violated the Kansas Nurse Practice Act and renders the licensee non-qualified for practicing as a nurse.

8. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings does 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.
9. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

POLICY STATEMENT

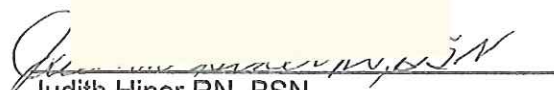
1. The Board of Nursing is concerned for the safety and quality of nursing care provided to the citizens of the State of Kansas and any drug diversion and/or usage is while caring for vulnerable patients is not in the best interest of the Health Care Community.
2. Truthfulness is a hallmark of the nursing profession and is required to ensure accurate communication of all nursing actions.

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

1. License to practice nursing in the state of Kansas is revoked.

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.

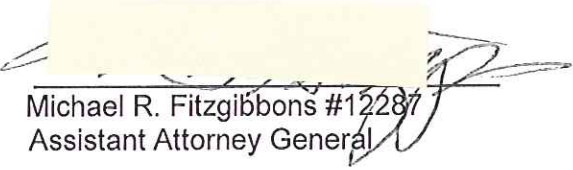


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 31ST day of January, 2013, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Stacie Allison Viers
214 N. 8th Street
Fredonia, Kansas 66736


Michael R. Fitzgibbons #12287
Assistant Attorney General