

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAR 29 2010

KSBN

**IN THE MATTER OF
AMBERDAWN M. WATERHOUSE
License No. 13-89585-082**

Case No. 09-1075-1

SUMMARY ORDER

Now this 29th day of March 2010, the above matter comes before the Kansas State Board of Nursing (Board or KSBN) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the registered nurse license of Amberdawn M. Waterhouse (Licensee) 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 as a registered nurse through the 31st day of August 2010.
2. Licensee's address of record is 412 Eakin, PO Box 161, Jetmore, KS 67854.
3. Licensee was employed by Good Samaritan Society from April 27, 2006, until September 15, 2009.
4. According to Good Samaritan Society personnel records, Licensee was counseled and/or disciplined for failing to complete tasks in a timely manner, failure to use her badge to clock in and out, and failure to notify the facility in a timely manner if she were to be absent or tardy.
5. According to Good Samaritan Society records, a resident's narcotic administration record and a card of 5 milligram oxycodone were reported missing on September 1, 2009.
6. On or about September 10, 2009, Licensee was asked to take a urine drug screen and suspended pending completion of an investigation.
7. Licensee's drug test was positive for butalbital, oxydocone, and oxymorphone.
8. Licensee was terminated on September 15, 2009.
9. By letter dated December 29, 2009, KSBN's investigator advised Licensee that an investigative case had been opened and requested Licensee contact the investigator regarding the case.
10. To date, Licensee has not contacted the investigator, nor has the letter been returned.
11. Evidence is insufficient to establish whether the card of oxycodone was actually missing or whether that was the source of the oxycodone detected in Licensee's drug screen.

12. However, the drug screen establishes that Licensee was working while under the influence of butalbital, oxycodone, and oxymorphone, which are habit-forming controlled substances that impair thinking and reaction. Moreover, they generally should not be taken together, and Licensee was not able to provide current prescriptions to account for the presence of the substances. Declining job performance and erratic attendance lead to the reasonable inference that Licensee was impaired and unable to practice with skill and safety.

CONCLUSIONS OF LAW

13. 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 upon making any of the findings listed under K.S.A. 65-1120(a).

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

15. The facts establish that Licensee's license may be revoked, limited, or suspended on the following grounds:

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)(6), unprofessional conduct as defined by K.A.R. 60-3-110(t), failing to furnish the board, its investigators, or its representatives with any information legally requested by the board.

16. Licensee's conduct described herein violates the Kansas Nurse Practice Act.

17. K.S.A. 77-537 authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.


18. The role of the Kansas State Board of Nursing is to protect citizens of Kansas, and revocation of Licensee's license furthers that goal.

**IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT
Licensee's license to practice nursing in the State of Kansas is REVOKED.**

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, this Summary Order becomes effective as a final

order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.

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.



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

CERTIFICATE OF SERVICE

I certify that on the 29th day of March 2010, a true and correct copy of the foregoing Summary Order was deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Amberdawn M. Waterhouse
412 Eakin
PO Box 161
Jetmore, KS 67854



Brenda J. Clary, #18770
Assistant Attorney General