

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

AUG 9 2010

KSBN

**IN THE MATTER OF
DANIELLE E. SEYB
License No. 13-94090-031**

Case No. 07-773-4, 09-773-4

AMENDED PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 12th August day of August, 2010, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 3/31/2011. 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 last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's 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 registered nurse license 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 L. Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review 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. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

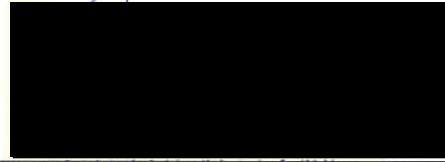


Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 13th day of August, 2010, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Danielle E. Seyb
254 E A Ave
Kingman, KS 67068



Alma A. Heckler
Assistant Attorney General

BEFORE THE KANSAS STATE BOARD OF NURSING

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Topeka, Kansas 66612-1230

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IN THE MATTER OF
DANIELLE E. SEYB
License No. 13-94090-031

Case No. 07-773-4, 09-773-4

PETITION TO REVOKE OR LIFT STAY OF SUSPENSION

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, Danielle E. Seyb, is licensed to practice nursing in Kansas through 3/31/2011. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 254 E A Ave, Kingman, KS 67068.
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 entered a Consent Agreement and Final Order (Consent Agreement) on or about February 3, 2010 with the Kansas State Board of Nursing to resolve case numbers 07-773-4 and 09-773-4. The Consent Agreement remains in effect until such

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time as the Respondent completes all conditions and requirements of the Consent Agreement.
Respondent has not completed all conditions and requirements of the Consent Agreement.

(b) Pursuant to the February 3, 2010, Consent Agreement, Respondent's license to practice nursing in Kansas was suspended with a stay of the suspension.

(c) The February 3, 2010, Consent Agreement provides upon a first finding of noncompliance with the conditions or requirements of the Consent Agreement, the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas, shall be lifted for a period of six months from the date of said finding.

(d) The February 3, 2010, Consent Agreement provides upon the Stay of Suspension being lifted due to a finding of non-compliance with the Consent Agreement, the Suspension will not again be Stayed until the respondent has, following the prescribed time period of suspension, provided written verification to the Board that respondent is in compliance with all conditions and requirements of this Consent Agreement. Upon the respondent providing said written verification the suspension will again be stayed.

(e) The Board may also request revocation, and makes such request because the respondent has failed to participate in KNAP almost immediately after entering into the Consent Agreement and Final Order on February 3, 2010 and this is her second violation of the terms and conditions of KNAP.

(f) Conditions of the February 3, 2010 Consent Agreement include a condition that the Respondent participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP).

(g) Respondent became noncompliant with KNAP by failing to attend the March meeting with KNAP, failure to turn in 12 Step sheets for March 2010, failure to sign up for Affinity, the urine test collection company and because respondent missed a scheduled urine drug screen for April 2010.

(h) Prior to entering into the February 3, 2010 Consent Agreement and Final Order the Respondent was previously enrolled in KNAP but failed to remain compliant with KNAP:

(1) The Kansas Nurse Assistance Program (KNAP) notified the Board of Nursing on 7/24/09, respondent failed to turn in documentation of 12 step meetings for the month of June, 2009. Respondent turned the documentation in late to KNAP.

(2) The Board reviewed respondent's KNAP file and found that most of, if not all of respondent's UDS were positive for substances but there was little documentation in the KNAP file to explain the positive UDS. The record contained two scripts for Hydrocodone but those scripts totaled 90 tablets, with no refills. Respondent tested positive for Hydrocodone for all except one UDS administered over six months. Respondent turned in one script for Temazepam for 15 tablets but tested positive for the substance over six months.

(3) Furthermore, while in the KNAP program, respondent tested positive for diazepam, oxazepam and dihydrocodiene but did not provide any scripts to KNAP for these controlled substances.

VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110(s).

Count 3: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

WHEREFORE, petitioner requests the immediate revocation of respondent's license or the stay of suspension of respondent's nursing license be lifted for a period of six months, costs of this action should be assessed to the respondent in the amount of \$70.00, and if the respondent's license is suspended, suspension of respondent's nursing license shall not again

be stayed until six months have past and respondent has provided written verification to the Board that respondent is in compliance with all conditions and requirements of the February 3, 2010 Consent Agreement and Final Order.

Respectfully submitted,

Stephen N. Six
Kansas Attorney General

By:


Alma A. Heckler, #11555
Assistant Attorney General