

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  
JENELLE MYERS  
License No. 13-96839-062

Case No: 12-1101-6 and 12-1254-6

**SUMMARY ORDER TO REVOKE**

Now this 10<sup>th</sup> 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 proposes to find facts and take disciplinary action against the registered nurse license of Jenelle Myers, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1.
  - a. Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 6/30/2014. The Board has jurisdiction over the Licensee and the subject matter of this action.
  - b. Licensee's address of record is 406 S. Pesavento, Pittsburg, Kansas 66762.
  - c. Licensee on 4/1/2012 called in a prescription for her husband for hydrocodone 7.5/325 and misrepresented herself as an employee of Dr. Brown. Licensee was employed by Girard Medical Center at the time. Pharmacy called Dr. Brown. He confirmed the licensee was not an employee and admitted he did not authorize the prescription prior to the call. Dr. Brown does know the licensee and authorized the pharmacy to fill the prescription.
  - d. Pharmacy on 4/4/2012 received another phone call from a "Michelle" from Dr. Brown's office for a prescription for the licensee. The pharmacy contacted Dr. Brown again. He reported to the pharmacy that he did not recognize the name "Michelle" as one of his employees and denied calling in the prescription for the licensee.
  - e. On 4/11/2012 licensee and her supervisor at Girard Medical Center and Girard Center Human Resources (HR) met to discuss the pharmacy report. Licensee admitted that she did call in prescriptions for her husband because she knew Dr. Brown for some time and they have a "close" relationship. She also admitted, when she called in the prescriptions for her husband she stated "...this is Jenelle from Girard Medical Center calling in a script for Dr. Brown for...".
  - f. Licensee failed to provide her employer and HR a copy of her prescriptions, if any, per facility policy. Licensee tested positive for hydrocodone on 4/5/2012.

g. Licensee was confronted with several incidents of medications (controlled substances) being pulled for patients the licensee was not assigned to, no records of physicians' orders for medications, and licensee failed to document in patients' charts, nursing notes or the medication administration records (MAR). Licensee accessed the facility PYXIS system on or about 4/5/2012 and removed vicoprofen (2 tablets) for a patient to be discharged that same day. Patient's physician denies giving an order for the medication. The medication administration or wastage was not documented.

h. On or about 4/5/2012 percocet (hydrocodone) was removed from the system by the licensee for a patient MB not assigned to the licensee, at 12:25 pm with no documentation. On or about 4/5/2012 the assigned nurse removed percocet from the PYXIS system at 12:46 pm for her patient MB and documented it was administered in progress notes and on the MAR.

i. Licensee stated that she intended to self refer to the Kansas Nurse Assistance Program (KNAP). Licensee's employment was terminated by Girard Medical Center.

j. Licensee failed to report she called in her own prescriptions and prescriptions for her husband when evaluated by KNAP. She failed to report her positive UDS or that she failed to supply copies of her prescriptions to her employer as required by employer policy. When notified by KNAP she must enroll in a one year extended evaluation, licensee failed to enroll and/or return the contract with KNAP/Affinity. KNAP closed her case on June 13, 2012.

k. Licensee is currently unmonitored and cannot assure the Board that she is safe to practice nursing.

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)(6), to be guilty of unprofessional conduct as defined by rules or regulations of the board; K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board;

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

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

(d) K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the board; K.A.R. 60-3-110(a) performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

- 3 Licensee's conduct described herein violates the Kansas Nurse Practice Act.
- 4 K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act 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.
- 5 The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

1. Licensee's license is revoked.
2. Licensee shall not practice nursing in the state of Kansas.
3. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.


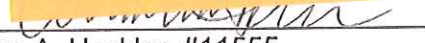
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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.

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

CERTIFICATE OF SERVICE

I certify that on the 10<sup>th</sup> day of January, 2014, 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:

Jenelle Myers  
406 Pesavento  
Pittsburg, Kansas 66762

  
  
Alma A. Heckler, #11555  
Assistant Attorney General