

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

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IN THE MATTER OF BETTY LOU WEBER

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License No 13-98237-102

Case No. 10-1649-6

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 28th day of February, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Michael R. Fitzgibbons, Assistant Attorney General, 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. 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 denying 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 in the State of Kansas is revoked.
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. 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.

8. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
9. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.



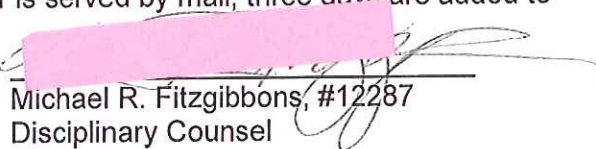
Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

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.




Michael R. Fitzgibbons, #12287
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 4th day of March, 2014, 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:

Betty Lou Weber
1108 175th Street
Fort Scott, Kansas 66701



Michael R. Fitzgibbons

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF BETTY LOU WEBER

License No 13-98237-102

Case No. 10-1649-6

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Michael R. Fitzgibbons, and for its cause of action states that:

1. Respondent, Betty Lou Weber, is licensed to practice nursing in Kansas. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 623 S. Clark Fort Scott, Kansas 66701.
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) According to a report, it is alleged that while you were employed by Fort Scott Manor, Fort Scott, Kansas, licensee diverted narcotics.

- (b) Licensee frequently charted giving narcotics to residents who normally did not request them.
- (c) This incident allegedly occurred on or about the 15th day of December, 2010.
- (d) Facility held a conference with licensee outlining expectations for her, including narcotics count and witness for licensee giving narcotics.
- (e) Licensee signed and dated the expectations on the 20th day of January, 2011 and terminated her employment later that month.
- (f) While employed at Prescott County View Nursing, licensee failed to count two bottles of hydrocodone.
- (g) Licensee was suspended for three days due to narcotics discrepancies.
- (h) On the 9th day of April, 2013, licensee was terminated for possible narcotics diversion.
- (i) Investigative letter was sent to license on the 27th day of July, 2013 with no response.
- (j) KSBN contacted licensee again in regards to this matter on the 2nd day of October, 2013, with no response.

VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;

Count 2 K.S.A. 65-1120 (a)(6) to be guilty of unprofessional conduct by failing to furnish the board, its investigators, or its representatives with any information legally requested by the board KAR 60-3-110 (t).

Count 3: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

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

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By: 

Michael R. Fitzgibbons #12287
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