

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

Filed
JUL 30 2004
Board of Nursing

IN THE MATTER OF
DEBBIE MCKEE
LICENSE NO. 14-090263-021

CASE NO. 03-644-9, 04- 007-5, 04-026-5

**CONSENT AGREEMENT TO
SURRENDER AND REVOKE LICENSE AND FINAL ORDER**

Now on this 28th day of July, 2004, the Kansas

State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the licensee, Debbie McKee, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

AGREED FINDINGS OF FACT

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee is licensed as a nurse through 2/28/2005. The Board has jurisdiction over the licensee and the subject matter of this action.
2. 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.
3. The Board has requested that a petition be filed to take disciplinary action against the licensee's license.
4. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).
5. Licensee has the right to these hearings and the right to seek review of the findings from these hearings in accordance with the Kansas administrative procedure act and the Kansas act for judicial review and civil enforcement of agency actions. Licensee is waiving those rights and knowledgeably and voluntarily entering into this

agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

CASE NO. 03-644-9

6. On or about 10/25/03 while employed for a staffing agency and assigned as a nurse in the emergency room at Geary Community Hospital, Junction City, KS, licensee diverted morphine from four patients, and was found on 10/26/03 to have a positive urine drug screen for morphine. All of the ER staff had UDS's run, and hers was the only positive test. The licensee had signed out for the morphine, but there was no doctor's order for the drug on the patients she had signed out on. She did not chart that the patient had any discomfort, but charted the drug as given. On one of the patients she charted she gave morphine, but the patient was not hers.

CASE NO. 04-026-5

7. On or about 1/15/2004 while employed for a staffing agency and assigned as a nurse at Lifecare Center of Wichita, KS licensee diverted narcotics from residents for her personal use. Four vials of Morphine was missing and she was reported as acting impaired. Her urine drug screen was positive for Morphine and benzodiazepine, and she admitted to the diversion.

CASE NO. 04-007-5

8. On or about 5/1/2003 while employed for a staffing agency and assigned as a nurse to Via Christi Regional Medical Center, Wichita, Ks the licensee was found to have diverted morphine from patient, Mr. HB, for her personal use. The licensee was challenged, she then revised the MAR and rewrote the doctor's order from "MS 2-4 mg IV every 30 min prn" to "MS 2-4 mg IV every 30 min AND prn," (the second order would allow more medication than the previous order), the doctor denied writing the second version. The facility also had records of five incidents previously in which the licensee had failed to document wastage of narcotics. Charting of doses given of Percocet, 2 tabs showed drugs removed at 2111 from Omnicell, but charted as given at 2110.
9. On or about July 2004 licensee was convicted of a felony in Sedgwick County Case 04CR1493, Mistreatment of a Dependant Adult K.S.A 21-3437(a)(1) a Severity Level 6, Person Felony and a bar to licensure as a nurse pursuant to K.S.A. 65-1120(a)(2)in

reference to the incident in paragraph 7. The patient was denied additional pain medication because of the false records created by licensee. She had charted giving 4 doses of morphine to Mr HB, however the patient recalled getting only one. When he requested additional morphine, the MAR documented by licensee indicated he had received 4 doses, so that he could not receive more morphine. The licensee admitted to Korby Horshaw, a certified law enforcement officer employed by the Kansas Attorney General as an Investigator in the Medicaid Fraud and Abuse Division, that she had diverted narcotics from the three employers described above by using the wastage for herself, and by altering patient records to reflect doses she had not given. In reference to the crime of mistreatment if a dependant adult, the licensee admitted awareness that by altering the patient Mr. HB's record, he would be denied the pain relief he would be needing later in the day.

CONCLUSIONS OF LAW

10. 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.
11. Respondent has violated the Kansas Nurse Practice Act as follows:
 - (a) K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);
 - (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 inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d).
 - (d) K.S.A. 65-1120(a)(2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120 **no license**, certificate of qualification or authorization **to practice nursing** as a licensed professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or registered nurse anesthetist **shall be granted to a person with a felony conviction for a crime against persons** as specified in article 34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto.

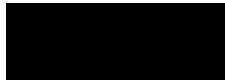
POLICY STATEMENT

12. The role of Kansas State Board of Nursing is to protect the citizens of Kansas.

DISPOSITION

- 13. Licensee is surrendering her license to practice nursing in Kansas, *and her license is revoked.*
- 14. Upon signing this agreement and returning it to the Board, licensee shall **return her license card** with the agreement. **Licensee shall not practice nursing in Kansas.**
- 15. The Board does report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on her license. The original of this document shall be kept in the Board's agency file and its contents may be disclosed to the public upon request.
- 16. If licensee does seek reinstatement of her license, the conviction for Mistreatment of a dependent adult, a person felony, will operate as a bar to the practice of nursing in Kansas.
- 17. One of the requirements for a future reinstatement will be an evaluation by KNAP, and a commitment to abide by any requirements of KNAP.
- 18. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER


 Debbie McKee
 Licensee
 937 Marguerite Pkwy
 Derby, KS 67037

 Terry Beck
 Hearing Officer

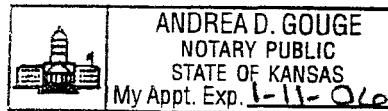
State of Kansas)
 County of Sedgewick) SS
 Subscribed to before me by Debbie McKee on this 27th day of July, 2004.

(seal)

Signature of Notary Public

Prepared by:

 Betty Wright
 Assistant Attorney General
 900 SW Jackson, Suite 1051
 Topeka, Kansas 66612-1230
 785-296-4325



CERTIFICATE OF SERVICE

On the 6th day of August, 2004, I caused a copy of this document to be mailed, postage prepaid to respondent:

Debbie McKee
937 Marguerite Pkwy
Derby, KS 67037

Betty Wright
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230