

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

IN THE MATTER OF LINDSEY MARIE LeBORGE

License No 14-118112-021

Case No. 13-312-9 AND 13-670-9

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PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 30th day of September, 2013, 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 through February 28th, 2015. 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. 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.

[Redacted Signature]

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.

[Redacted Signature]

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 2nd day of October, 2013, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Lindsey Marie LeBorgne
2206 Thompson Drive
Junction City, Kansas 66441

[Redacted Signature]

Michael R. Fitzgibbons

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED #1351
JUL 03 2013
P226

IN THE MATTER OF LINDSEY MARIE LeBORGNE

KSBN

License No 14-118112-021

Case No. 13-312-9 AND 13-670-9

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, Lyndsey Marie LeBorgne, is licensed to practice nursing in Kansas through February 2015. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 2206 Thompson, Junction City, Kansas 66441.
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) While under employment at Salina Regional Center, Salina, Kansas, it is alleged that there were narcotic discrepancies on various patients under respondent's care.

- (b) It is alleged that this licensee had a high usage of narcotics and discrepancies between documentation of medication administered and patient reports of receiving pain medication.
- (c) These incidents allegedly occurred between October through December of 2012.
- (d) Licensee had been counseled for prior incidents between October and November of 2012 regarding failure to assess the patients one hour after administering pain medication, failure to record wasted narcotics, administering PRN medication outside the ordered time frame and giving incorrect dose of medication.
- (e) After each incident, licensee had been counseled and educated on the correct procedure.
- (f) Licensee denied actually taking medication and agreed to do the UDS.
- (g) Licensee reported later stated that she could not take the stress of continuing suspicion and would like to quit at this time (No UDS was performed) on the 13th day of December, 2012. Licensee was under suspicion of drug diversion.
- (h) Licensee obtained employment with Enterprise Estates Nursing Center in Enterprise, Kansas on the 18th day of February, 2013.
- (i) Licensee had been working the weekend of the 9th day of March, 2013 and had just gotten off of orientation.
- (j) When normal long term employees returned on Monday, the 11th day of March, 2013, they noticed 12 different residents had received large amounts of narcotics and Ativan PRN during 9th day of March and the 10th day of March, 2013 all administered by this licensee.
- (k) Most of the patients did not require pain medication.
- (l) Licensee was terminated from drug diversion on the 2nd day of April, 2013.

- (m) Licensee was interviewed by Enterprise Police Department and licensee admitted to taking five pain pill of Narco from three patients under her care on or about the 9th day of April, 2013
- (n) Licensee further admitted that the medical dispensary sign out sheet required by the nursing home on each of her patients was a false writing made by her.
- (o) Licensee was charged in a criminal case filed in Geary County Case Number 12CR774, where licensee was charged with one count of forgery, distributing or issuing a written instrument, one count of distributing a prescription made altered or signed by another.
- (p) Licensee entered a plea of no contest to County 2 of the original complaint charging unlawful obtaining a prescription and was sentenced to a 12 month jail sentence and granted 12 months of supervised probation.
- (q) Licensee failed to notify KSBN of above conviction with 30 days.

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);

Count 2: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

Count 4: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs and/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
Assistant Attorney General
Kansas State Board of Nursing
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900 SW Jackson #1051
Topeka, KS 66612