

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF JENNIFER ANNE ACREE**

**License No. 14-120135-012**

**Case No. 13-1253-9**

FILED

JAN 07 2014

KSBN

**SUMMARY ORDER**

NOW ON THIS 7<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 proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. This Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 17112 Jackson, Holt, MO 64048.
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. Review of the information gathered by the Board revealed the following upon which this action is based.
  - (a) According to a report, it is alleged that while licensee was employed by Health Specialist, Lenexa Kansas and working at St John Hospital in Leavenworth, Kansas, licensee came to work impaired.
  - (b) Licensee's movements and speech were slow.
  - (c) Narcotic wrappers were found in the bathroom after a shift licensee worked.
  - (d) Agency she worked for was contacted and they agreed for her to be seen in the Emergency Department.

- (e) This incident occurred on or about the 28<sup>th</sup> day of May, 2013.
- (f) Licensee submitted to a UDS which came up positive for barbiturates, benzodiazepine and Opiates.
- (g) UDS results were sent to the agency.
- (h) Licensee was contacted by investigator on the 2nd day of October, 2013 and she has failed to respond.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by pattern of practice, diverting drugs and drug useage poses a high risk to patient safety.

#### CONCLUSIONS OF LAW

- a. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- b. K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);
- c. K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).
- d. K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

6. 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 authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

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

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

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

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

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

#### **POLICY STATEMENT**


1. Diversion of drugs from patients is a violation of public trust and poses a danger to patients and the public at large.
2. Impairment while at work poses a safety issue to the patients under the nurse's care.
3. Prescription fraud poses a danger to the nursing profession and to the patients under this nurse's care.

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

1. **Licensee's license to practice nursing in the state of Kansas is revoked.**
2. **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, the decision, which is called a Summary Order, is subject to your request for 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. 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**

On the 7<sup>th</sup> day of January, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Jennifer Anne Acree  
17112 Jackson Ave  
Holt, MO 64048

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General