

January 31, 2009

Martha A. Garner  
21011 Ash Circle  
Belton, MO 64012

Case No. 08-886-0  
License No. 14-075157-072

SUMMARY ORDER

Dear Ms. Garner:

The Investigative Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a registered nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) On or about 10/1/2008, the Board received Respondent's application for reinstatement of her license to practice nursing in the state of Kansas as a registered nurse. Respondent let her license lapse in Kansas in 1998. Respondent is currently licensed in Missouri. Respondent's license was disciplined in Missouri and she is currently on probation for four (4) years beginning September 2008.

(b) While employed at St. Luke's East in Lee Summit, Missouri, Respondent admitted she diverted discarded medication in the "sharps container" such as Fentanyl, Demerol, Morphine and Dilaudid. Respondent also admitted that she removed Demerol from the Pyxis system after checking the narcotics out for patients and then failed to administer the medications to the patients. Respondent admits this went on for approximately the last six months in 2007. Facility noted the spike in Demerol removed from Pyxis and staff noted Respondent removed medication for patients not assigned to Respondent. Respondent tested positive for Demerol on December 3, 2007.

(c) Respondent has several restrictions on her license under the four (4) year probation in Missouri, to include the following: narcotic key restrictions, on-sited supervision, no access to controlled substances, and no agency, independent contractor and home-health assignments. Respondent is also required to submit quarterly reports, random drug screens,

(d) Respondent must comply with and compete all of the restrictions on her license to practice nursing in Missouri. The Kansas Board of Nursing has decided to deny the Respondent a license due to the discipline in Missouri.

## CONCLUSIONS OF LAW

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)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency.

3. Your conduct described herein violates the Kansas Nurse Practice Act.

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

5. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

6. 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

LPN  
~~Janet Jacobs~~, LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 10th day of February, 2009, 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:

Martha A. Garner  
21011 Ash Circle  
Belton, MO 64012

Alma A. Heckler, #11555  
Assistant Attorney General