

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAR 29 2011

IN THE MATTER OF

GREG S. GABA

License No. 14-77452-111

KSBN

Case No. 09-1123-7

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 29th day of March 2011, Petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Danielle R. Sanger, for a Pre-Hearing on the Petition.

Respondent does not appear in person or by phone.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 11/30/2011. 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, Notice of Hearing, and Amended Notice of Hearing to Respondent's last known address of record 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 fully 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 cashier's check or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas nursing license to the Kansas State Board of Nursing.

8. 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.
9. Disciplinary counsel shall mail a copy of this proposed default order to Respondent's last known address of record.

IT IS SO ORDERED.



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

NOTICE

Pursuant to K.S.A. 77-520, a party against whom a proposed default order is issued may file a written motion to vacate the order. A motion to vacate the proposed default order must be timely filed within 7 days following service of the proposed default order. If no timely motion to vacate the proposed default order is received and granted, the proposed default order becomes final without further proceedings or notice in 30 days after the service of the proposed default order.

Pursuant to K.S.A. 77-531, if served by mail, three days are added to the time limits set out above.




Danielle R. Sanger, #24587
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 29th day of March 2011, a true and correct copy of the foregoing Proposed Default Order Revoking License was deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Greg Gaba
P.O. Box 19554
Overland Park KS 66207


Danielle R. Sanger, #24587
Assistant Attorney General

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**IN THE MATTER OF
GREG S. GABA
License No. 14-77452-111**

Case No. 09-1123-7

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PETITION

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

1. Respondent, Greg S. Gaba, is licensed to practice nursing in Kansas through 11/30/2011. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is P.O. Box 19554, Overland Park Kansas 66207.
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. On or about 10/14/2008, Respondent began employment as a nurse with Salina Regional Health Center.

- b. On or about 10/21/2008, Respondent was terminated from Salina Regional Health Center.
- c. On or about 11/13/2008, the Board received information regarding Respondent, alleging that on or about 10/21/2008, while working at Salina Regional Health Center, Respondent diverted Valium.
- d. On or about 11/21/2008, a case, #08-1043-3, was opened to investigate the information referenced in paragraph (c).
- e. On or about 5/27/2009, Respondent began working as a nurse at Geary Community Hospital in Junction City Kansas.
- f. On or about 6/8/2009, Respondent was terminated from Geary Community Hospital.
- g. On or about 6/22/2009, a three-count complaint was filed in the District Court of Geary County against Respondent based on an incident that occurred at Geary Community Hospital on 6/8/2009.
- h. On or about 7/13/2009, Respondent began working as a nurse at Providence Medical Center in Kansas City Kansas.
- i. In a letter dated 7/14/2009, Respondent was contacted by [REDACTED] and informed that his case was closed due to non-compliance.
- j. On or about 7/16/2009, the Board opened an additional case, # 09-738-0, on Respondent due to non-compliance with [REDACTED]
- k. On or about 7/30/2009, Respondent was terminated from Providence Medical Center.
- l. On or about 8/12/2009, Respondent entered into a three year contract with [REDACTED]

- m. On or about 9/2/2009, the Board received information regarding Respondent, alleging that on or about 7/24/2009, while employed at Providence Medical Center, Respondent gave Percocet via gastric tube contrary to the order and gave Demerol IV without a physician's order.
- n. On or about 9/24/2009, Respondent pled guilty to two counts of obtaining a prescription only drug by fraudulent means, a class A nonperson misdemeanor, in the District Court of Saline County, Kansas. The Respondent was sentenced to 12 months in the Saline County Jail on count one and 12 months in the Saline County Jail on count two to run concurrent with count one. However, the sentence was suspended and Respondent was placed on unsupervised probation for 12 months.
- o. On or about 10/15/2009, Respondent pled guilty to one count of possession of Depressant, to-wit: Diazepam, a class A nonperson misdemeanor, and one count of theft, a class A nonperson misdemeanor. Respondent was sentenced to a term of confinement in the Geary County Jail of six months on each count. However, the sentence was suspended and Respondent was placed on supervised probation for 12 months.
- p. On or about 12/7/2009, cases #08-1043-3 and 09-738-0 were presented concurrently to the Board Investigative Committee, and the Investigative Committee determined that Respondent should remain in [REDACTED], remain compliant with [REDACTED], and have an additional 6 month key restriction.
- q. In a letter dated 3/30/2010, the Board informed Respondent that a case, #09-1123-7, had been opened to investigate the information referenced in paragraph (m).
- r. On or about 4/8/2010, Eva A. Curtis, Board investigator, spoke with Respondent by phone regarding case #09-1123-7, and Respondent stated that on or about

7/24/2009, he "did give the Percocet down the NG tube rather than by mouth." Respondent also stated, "This particular physician always called at 10pm to check on his patients. I did give the Demerol doses prior to his call because of the micro-shivering and increased temperature I documented on the vital signs flow sheet. This was the action we would take. I then got the orders to cover those doses."

- s. On or about 5/13/2010, Respondent's Missouri RN license was revoked.

VIOLATIONS

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

- a. Count 1: 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. Count 2: K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the Board, by KAR 60-3-110(a), performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.
- c. Count 3: K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the Board, by KAR 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.
- d. Count 4: K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (e), by K.S.A. 65-1120(2)(3), a pattern of

practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

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,

Stephen N. Six
Kansas Attorney General

By:

Danielle R. Sanger #24587
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612