

FILED

AUG 21 2014

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF

MISTY ANN COOK

License No. 14-90443-31

Case No. 13-519-9

SUMMARY ORDER TO REVOKE

Now this 21st day of August, 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 proposes to find facts and take disciplinary action against the registered nurse license of Misty Ann Cook, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1.
 - a. Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 3/31/2015. The Board has jurisdiction over the licensee and the subject matter of this action.
 - b. Licensee's address of record is 2205 Brooke Bend, Junction City, Kansas 66441.
 - c. Licensee did not comply with her contract with the Kansas Nurse Assistance Program (KNAP) and her KNAP case was closed unsuccessfully on November 19, 2013.
 - d. Licensee has a history of drug use and she has participated in KNAP for a number of years due to relapses and criminal convictions.
 - e. Licensee first came to the attention of the Board in Case No. 01-232-1. She filed an initial LPN application. She had prior history of a felony conviction of conspiracy to possess and sell marijuana. She served prison time in Kansas. She was approved for licensure.
 - f. In Case No. 10-438-9 licensee filed for reinstatement with Kansas and failed to report that she was disciplined by the Texas Board of Nursing. She was approved for reinstatement on 5/12/2010.
 - g. In Case No. 10-1060-0 she was referred to KNAP by Geary County Hospital on 7/2/2010. Geary County Hospital hired her and less than a month after her hire, Geary County noticed a possible pattern of diversion. Licensee documented and checked out narcotics that patients reportedly did not receive. She resigned her position.
 - h. She entered a contract with KNAP on 11/3/2010 for one year. She tested positive for hydrocodone on 1/17/2012 and again on 8/23/2013.

i. In Case No. 11-807-7, the Board was notified that the licensee relapsed on Fioricet on 1/19/2011. Respondent entered a three (3) year contract with KNAP.

j. In Case No. 12-156-7, the Board was notified that the licensee called in fraudulent prescriptions on 1/24/2012. She was arrested and charged in Johnson County District Court with the crime of fraudulently obtaining a prescription only drug in violation of K.S.A.21-5708. The drug she fraudulently obtained was hydrocodone. She was convicted and pled to the misdemeanor crime as charged on 3/29/2012. Her KNAP contract was extended to 1/24/2015.

k. In Case No. 13-519-9, the Board was notified that the licensee's KNAP case closed after three non-compliances on or about November 19, 2013. Licensee also failed to report the Board's pending investigation against her license on her 3/26/2013 renewal application. She failed to respond to the Board's investigator's attempts to contact her for a statement.

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 licensee 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 or 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)(1) to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

(c) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(t) failing to furnish the board, its investigators, or its representatives with any information legally requested by the Board.

(d) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board;

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

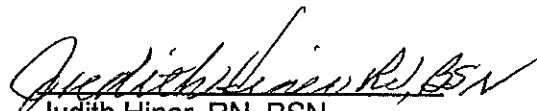
(f) K.S.A. 65-1120(a)(2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...;

- 3 Licensee's conduct described herein violates the Kansas Nurse Practice Act and demonstrates that she is not safe to practice nursing.
- 4 K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.
- 5 The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

1. **Licensee's license is revoked.**
2. **Licensee shall not practice nursing in the state of Kansas.**
3. **Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

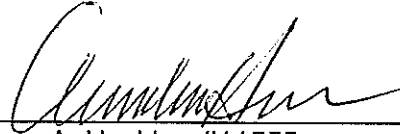
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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

I certify that on the 21st day of August, 2014, 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:

Misty Ann Cook
2205 Brooke Bend
Junction City, Kansas 66441



Alma A. Heckler, #11555
Assistant Attorney General