

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

FILED

OCT 26 2010

IN THE MATTER OF
ROBIN L. RITCH
License No.

KSBN

Case No. 09-874-7

PROPOSED DEFAULT ORDER TO DENY LICENSE

NOW ON THIS 26th day of October, 2010, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent was licensed as a registered nurse through 10/31/09 . Respondent submitted a Reinstatement Application to the Board on or about 2/13/10. 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 denying the respondent license to practice nursing in the state of Kansas. 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 application to practice nursing is denied. 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.



Sandra L. 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.



Alma A. Heckler, #11555
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 26th day of October, 2010, the foregoing copy of the Proposed Default Order To Deny License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Robin L. Ritch
1231 South Ash
Ottawa, KS 66067


Alma A. Heckler
Assistant Attorney General

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PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent, Robin L. Ritch, is not licensed to practice nursing in Kansas. Respondent let her license lapse on or about 10/31/2009. Respondent filed a reinstatement application on February 13, 2010. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1231 south ash, Ottawa, KS 66067.
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 February 13, 2010, the Board received Respondent's application for reinstatement of Applicant's license to practice nursing in the state of Kansas. Respondent let her license lapse on or about October 31, 2009.

(b) Review of the Application and other information gathered by the Board revealed the following information upon which this action is based:

(c) Respondent was employed by Life Care Center of America on or about 7/9/09. On that date there were reports of missing medications. The respondent and others were tested. Respondent tested positive for Benzodiazepines. The respondent did not supply a current prescription to explain the positive drug test to her employer. Respondent was terminated.

(d) Respondent supplied a list of her prescriptions on 5/4/2010 as a part of her response to the Board's investigation and Benzodiazepines are not on her list of prescriptions.



(e) The employers records from 7/9/09 show a certified medication assistant (CMA) on duty, left medication keys with the respondent at 6:30 pm. Respondent asked the CMA to leave the keys with her. CMA returned from break at 7:00 pm and noted one of two medication cards of Percocet (32 generic Percocets) were missing. She discovered the shortage when the resident, to whom the Percocet was prescribed, requested pain medication.

(f) Respondent supplied a list of her prescribed medications on 5/4/2010 and the list includes the following:

1. Morphine Sulfate, 30 mg for pain
2. Oxycodone, 15 mg IR for breakthrough pain
3. Mirapex, 0.5 mg for restless leg syndrome
4. Cymbalta, 60 mg. for nerve pain
5. Ambien CR, 6.25 mg for insomnia

(But not Benzodiazepine).

(g) Respondent has not provided an assessment by a physician of her safety to practice while under the influence of these medications. Respondent has not explained why she needs medications for pain and if such pain and her physical disabilities causing her pain may be an impediment to her safe practice or her ability to practice.

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)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

Count 3: K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d);


Count 4: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3) and K.S.A. 65-4921 through K.S.A. 65-4930, a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing due to physical disability.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's application to practice nursing in Kansas be denied, 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:


Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
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