

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

**FILED**

**OCT 18 2011**

**IN THE MATTER OF  
JUDITH I. GIACABAZI  
License No. applicant**

**KSBN**

**Case No.11-1174-0**

**SUMMARY ORDER**

Now this 16<sup>th</sup> day of October, 2011, 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 deny the endorsement RN application of Judith I. Giacabazi by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Applicant submitted an endorsement RN application on 8/2/2011 to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant's address of record is 1131 1st St., NW Rochester MN 55901.
3. On or about 8/2/2011, the Board received Applicant's endorsement RN application to practice nursing in the state of Kansas.
4. Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
5. By order dated 8/6/2009, Applicant's Minnesota nursing license was reprimanded and a civil penalty of \$500 was assessed against her.
  - a. Paragraphs 5(a)-5(e) of the Minnesota Board Order state:
    - i. On August 2, 1982, Licensee began employment at a health care facility in Rochester, Minnesota.
    - ii. On March 13, 2009, staff noted a discrepancy regarding the drug glimepiride, 4mg. It was noted nine tables were missing.
    - iii. An inventory of the Pyxis system was conducted on March 27, 30, 31, and April 1, 2, 6, 8, 9, 2009. The results indicated discrepancies in Licensee's access to glimepiride, simvastatin, ursodiol, and lisinopril. The largest amount of missing tables was glimepiride tablets with 58 tablets missing since March 2008.
    - iv. On April 13, 2009, Licensee's supervisor met with her to discuss the matter. Licensee acknowledged she had been removing drugs from the Pyxis for her own use. Licensee also stated she sometimes replaced the drug with tablets she obtained from a friend in the pharmaceutical industry.
    - v. On April 15, 2009, Licensee's employment was involuntarily terminated.

## CONCLUSIONS OF LAW

1. 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 does not meet the requirements of the Nurse Practice Act as set out in the following provisions:
  - 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.

## POLICY STATEMENT

1. 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. **Applicant's endorsement RN application to practice nursing in the state of Kansas is denied.**

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.

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.



Jarret Jacobs, LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

**CERTIFICATE OF SERVICE**

I certify that on the 18<sup>th</sup> day of October, 2011, 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:

Judith Giacabazi  
1131 1st St.  
NW Rochester MN 55901



Danielle Sanger #24587  
Assistant Attorney General