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SEP 04 2013

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF BRANDEE MARIE HUDGINS

License No. ENDORSEMENT APPLICANT

Case No. 13-1053-0

SUMMARY ORDER

NOW ON THIS 4th day of September, 2013, 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 proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Licensee is an endorsement applicant to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 315 Military Ave. Baxter Springs, Kansas 66713.
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. Review of the information gathered by the Board revealed the following upon which this action is based.
 - (a) According to a report, it is alleged that while licensed in the State of Virginia a complaint was filed regarding this applicant.
 - (b) The complaint alleged that applicant diverted drugs from a patient's personal medication.
 - (c) Applicant admitted that she stole 40 tablets of Percocet for patients medication, while patient was being treated in the emergency room, for applicant's personal and unauthorized use.

- (d) On the 19th day of July, 2012, Patient A was ordered to receive 2 mg of morphine and applicant removes 14 mgs for the Pyxis, administered 4mg to the patients and wasted 4 mg. Applicant failed to account for the remaining 6 mg of morphine.
- (e) On the 6th day of August, 2012, during applicant's shift, she was observed to have slurred speech and was unable to formulate sentences.
- (f) Applicant failed to place EKG leads in an appropriate manner.
- (g) Applicant was ordered to take urine drug screen which was positive for opiates.
- (h) Applicant was terminated from her employment due to violation of drug policy at Community Memorial Health Center, South Hill, Virginia on the 16th day of August, 2012
- (i) On the 8th day of October, 2012 applicant entered into a Participation Contract with the Health Practitioners' Monitoring Program (HPMP)
- (j) The Committee found a violation of the Regulation Governing the Practice of Nursing but took No Action as applicant was properly enrolled in the HPMP.
- (k) On the 11th day of June, 2013, KSBN received an endorsement application to practice nursing in the State of Kansas.
- (l) Applicant notified KSBN of disciplinary action in the State of Virginia.
- (m) On the 5th day of July, 2013, applicant was referred to KNAP for a chemical dependency evaluation and monitoring.
- (n) On the 10th day of July, 2013, applicant signed a three year agreement with KNAP.
- (o) On the 8th day of August, 2013, applicant was informed of a non compliance with KNAP for failure to submit attendance at a minimum of two 12 step meetings per week.
- (p) On the 14th day of August, 2013, applicant submitted a positive UDS for oxycodone with no prescription.

(q) Applicant failed to disclose non compliances with the HPMP in the State of Virginia for a March, 2013 positive test for Hydrocodone and a 13th day of June, 2013 positive UDS for alcohol.

(r) Due to issues with the screening program, applicant has not been approved to return to practice in Virginia.

5. This licensee violate the Nurse Practice Act by unprofessional conduct by fraud and deceit in practicing nursing.

CONCLUSIONS OF LAW

1. K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;

2. 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 ... by a licensing authority of another state.

3. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

4. K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

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

6. 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 authorization, if the licensee, licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

7. The above fact findings established evidence that the licensee violated the following provisions of the Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;

Count 2 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 ... by a licensing authority of another state.

Count 3: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 4 K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program
KAR 60-3-110(s).

Count 5: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

8. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings does not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.

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

POLICY STATEMENT


1. Truthfulness is a hallmark of the nursing profession and is required to ensure accurate communication of all nursing actions.
2. Trust is imperative in the nursing profession and diversion of drugs and use of drugs impairing the nurse's performance is damaging to the nursing profession.

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

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

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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.


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 4th day of September, 2013, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Brandie Marie Hudgins
315 Military Ave.
Baxter Springs, Kansas 66713


Michael R. Fitzgibbons #12287
Assistant Attorney General