

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

APR 14 2014

KSBN

IN THE MATTER OF AMY RUSH-CALAHAN

License No. 13-93879-091

Case No. 11-1243-5 13-1492-6 AND 14-322-6

SUMMARY ORDER

NOW ON THIS 14th day of April, 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 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. This Licensee has a pending application for reinstatement 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 1577 2200 Road Iola, Kansas 66749.
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 a renewal application was received on the 22nd day of September 2011.
 - (b) In this application, licensee answered "yes" to a misdemeanor conviction.
 - (c) Licensee was requested to do a CNE on the Kansas Nurse Practice Act and failed to do so.
 - (d) Licensee was referred to KNAP by her employer via the Director of Nursing.

- (e) Licensee failed to comply with this request and the KNAP case was closed on the 19th day of August, 2013.
- (f) Licensee's license lapsed on the 1st day of October, 2013.
- (g) Licensee submitted a reinstatement application and failed to report a pending criminal investigation including endangering the welfare of a child and possession.
- (h) Licensee failed to include the reason for her termination from her employment Neosho Memorial Regional (theft).
- (i) In the Police Reports, a search warrant was executed on her home and the police recovered ketamine, razor blades, seeds, morphine, zig zags, lidocaine, dep-medrol, lidocaine viscous, NACL injection, dressings, syringes, Azithromycin/Donnatol Elizir Pills and sutures.
- (j) Lot numbers of some of the seized meds were matched with those missing from NMRMC.

5. This Licensee violate the Nurse Practice Act by unprofessional conduct by Diversion of drugs, failure to cooperate with KSBN with requests from the Board, drug usage affecting her ability to nurse and failure to complete or participate in the KNAP program.

CONCLUSIONS OF LAW

- a. K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;
- b. K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.
- c. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- d. 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).

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

f. K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board
KAR 60-3-110 (t).

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: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

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.

Count 6: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings do 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.

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

POLICY STATEMENT

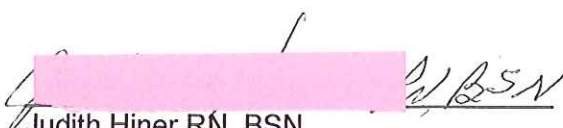
1. Diversion of drugs is detrimental to the practice of Nursing
2. Failing to cooperate with the impaired provider program (KNAP) is essential to assure to Board of licensee's safety to practice.
3. Truthfulness is the hallmark of good nursing and is essential in the nursing profession to provide the best quality care for the citizens of the State of Kansas.

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

1. **Licensee's reinstatement 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 14th day of April, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Amy R. Calahan
1577 2200 Road
Iola, Kansas 66749


Michael R. Fitzgibbons #12287
Assistant Attorney General