

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JUL 15 2014

KSNB

IN THE MATTER OF MELANIE ANN PURVIS

License No. ENDORSEMENT APPLICANT

Case No. 14-1056-0

SUMMARY ORDER

NOW ON THIS 15th day of July, 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 reinstatement application of Applicant by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Applicant submitted a endorsement application 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 3351 NW 21st Circle, Jennings, Florida 32053
3. On or about May 28th, 2014, the Board received Applicant's endorsement 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.
 - a. According to the report, it is alleged that License was disciplined in the State of Colorado for addiction to controlled substance.
 - b. In Colorado, this applicant's license was suspended on September 9th, 2009 for drug diversion and drug addiction.
 - c. On the 4th day of May, 2009, applicant entered into an Agreement to participate in the Nursing Peer Health Assistance in lieu of formal disciplinary action.

d. Applicant entered this program due to use of controlled substances far exceeded peers from October to November 2008 at Longmont United Hospital in Denver Colorado.

e. Respondent diverted five oxycodone tablets for her own personal use from Longmont United Hospital.

f. On the 4th of December, Denver Health MC terminated respondent after audit demonstrated eight (8) percocet, three (3) oxycodone tablets and two (2) chorazepate tablets could not be accounted for.

g. In July, 1999 and March 2000, applicant pled guilty to harassment and driving while impaired.

h. On August 24th, 2009, applicant failed to attend or complete the program by practicing nursing in a long term care facility without a return to work agreement, which was required prior to accepting and assuming the position

i. In July, 2009, respondent submitted a diluted sample and failed to submit meeting attendance.

j. Applicant submitted positive UDS on August 13th, 2009 and again on August 17th, 2009.

k. Suspension was lifted on October 22nd, 2009.

l. Applicant answered "no" to the question of "Have you ever been convicted of a misdemeanor..."

m. Applicant failed to report criminal conviction on waiver agreement.

n. Applicant did not report all names used on application.

o. Applicant did not list Kansas employment on application.

p. Applicant worked in Kansas without a license.

q. Applicant falsified employment application.

r. Applicant failed to report Kansas disciplinary action in regards to denial on original endorsement application in Case No. 12-363-0.

VIOLATIONS

1. K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations.
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 authorization, if the applicant, licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.
3. 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.
4. Practicing Nursing without a license in violation of K.S.A. 65-1120 (a) (6) and KAR 60-3-110 (v).
5. The above fact findings established evidence that the applicant 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);

Count 2: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 3: 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 4: K.S.A. 65-1120(a)(6), unprofessional conduct, by
inaccurately recording, falsifying or altering documents.

6. Applicant's conduct described herein violated the Kansas Nurse Practice Act and renders the applicant non-qualified for endorsement license.
7. 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.
8. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

POLICY STATEMENT


1. The Board of Nursing is concerned for the safety and quality of nursing care provided to the citizens of the State of Kansas and past use and abuse of illegal substance is of concern.
2. The safety of the public and the community is utmost concern.

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

1. **Applicant'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 15th day of July, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Melanie Ann Purvis
3351 NE 21st
Jennings, Florida


Michael R. Fitzgibbons #12287
Assistant Attorney General