

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

FEB 27 2015

IN THE MATTER OF TIFFANY RENEE McKEEL

License No. ENDORSEMENT APPLICANT

KSBN

Case No. 14-2172-0

SUMMARY ORDER

NOW ON THIS 27th day of February, 2015, 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 renewal application of Licensee by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Applicant has a endorsement application pending 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 600 NW Scenic Grain Valley, MO 64029.
3. On or about 23rd day of January, 2015, the Board reviewed this case.
4. Review of the information gathered by the Board revealed the following information upon which this action is based.
5. According to a report:
 - a. This applicant was observed to be displaying suspicious behavior according to documents provided by the Missouri Board of Nursing
 - b. The employer requested that she provide a urine sample.
 - c. Applicant admitted to diverting wasted narcotics from the sharp container.
 - d. Applicant admitted to diverting drugs and using them off duty but on "some occasions" used narcotics on duty.
 - e. UDS from applicant was positive for hydromorphone, morphine and fentanyl.

- f. Applicant did not have prescriptions for these narcotics.
- g. Applicant entered into a Settlement Agreement with the Missouri Board of Nursing and placed on probation for four years effective the 17th day of September 2010.
- h. Applicant failed to contract with NTS and her license in Missouri was revoked.
- i. Applicant submitted an application for license as RN by Exam.
- j. Applicant was charged with fraudulently attempting to obtain a controlled substance, a Class D Felony and Forgery of a prescription to obtain Hydrocodone forging a Doctor's name.
- k. This occurred on or about the 19th day of April, 2010.
- l. Applicant fraudulently obtained Demerol by forging a Doctor's name.
- m. This occurred on or about the 1st day of June 2010 While licensee was employed by Washburn Community Care Center, Topeka, Kansas, licensee diverted narcotics.
- n. Applicant disclosed that she had entered a diversionary program after being charged with fraudulently attempting to obtain a controlled substance and received treatment.
- o. Applicant was diagnosed with alcohol dependence and opioid dependence with recommended continued AA meetings.
- p. Applicant entered a five year probation agreement with Missouri Board of Nursing.
- q. Applicant's probation was conditioned on that she shall not administer, possess, dispense or otherwise have access to controlled substance for the first 24 months and the respondent not work outside of Missouri without written permission.
- r. This Probations Order was entered on the 23rd of April, 2013.

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 authorization, if the Licensee, licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

- 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)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- c. K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.
- d. K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

3 Licensee's conduct described herein violated the Kansas Nurse Practice Act and renders the Licensee non-qualified for obtaining a renewal of his/her license.

4 K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings does not violate 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.

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

POLICY STATEMENT

1. Diversion of narcotics is a breach of the public trust and a danger to the public.
2. Truthfulness is a hallmark of the nursing profession and is required to ensure accurate communication of all nursing actions
3. Fraudulent means and forgery in order to obtain narcotics for personal use are detrimental to the nursing profession and the healthcare system as a whole.

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.
2. Upon reapplying for licensure in addition to the submission of the proper forms, fees and documentation of 30 hours of CNE, the Licensee will be required to submit proof of completion of a course of CNE that teaches about the Kansas Nurse Practice Act.

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 27th day of February, 2015, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Tiffany Renee McKeel
600 NW Scenic
Grain Valley, MO 64029



Michael R. Fitzgibbons #12287
Assistant Attorney General