

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

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**IN THE MATTER OF  
LYNETTE BLACKMORE  
License No. 23-15203-011**

**Case No. 12-2260-9**

**INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE**

NOW ON THIS 10 day of January, ~~2013~~<sup>2014</sup>, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Licensee, Lynette Blackmore, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

**AGREED FINDINGS OF FACT**

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee is licensed to practice nursing in Kansas through 1/31/2015. The Kansas State Board of Nursing (KSBN) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is P.O. Box 125, Strong City, Kansas 66869.
3. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120 is established.
4. The Board has requested that a petition be filed to take disciplinary action against the licensee's license.
5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).

6. Licensee has the right to these hearings and the right to seek review of the findings from the hearings in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Licensee is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

7. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.

8. (a) A petition was filed 9/11/2013 to take disciplinary action against the licensee's license. The petition alleged that in Case No. 12-2260-9 while Licensee was employed by Council Grove Health Center in Strong City, Kansas from August, 2012 to December 2012.. On or about 12/5/2012 Licensee's supervisor received a phone call at home regarding a concern that the Licensee had not administered medications to a resident of the facility. Licensee allegedly yelled at the resident when resident complained about not receiving all of her medications. On 12/6/2012, supervisor pulled and reviewed the drug control sheets for the last two to three months. Supervisor found five records involving four residents, where Licensee documented waste because she reported she dropped their medications on the floor. The medications wasted were Lortab, Lorazepan, Methadone and Phenobarbital.

(b) Licensee, when confronted by her supervisor, stated that she was fumble fingered and she would try to be more careful in the future.

(c) After review of the records, the supervisor had concerns Licensee t might have charted waste in order to insure that the medication count was accurate and not because medications were actually wasted. The facility held an in-service on 12/11/2012 to remind and train staff on the facility policy of witnesses observing wasting drugs and drug counts before and after each shift. Licensee attended the in-service.

(d) Licensee's supervisor interviewed the Licensee on 12/14/2012 again because the facility records indicated that the Licensee had not been doing drug counts before and after

each shift. Licensee admitted to documenting drugs as wasted when drug counts were off and the drugs were not accounted for. Licensee admitted she did not complete drug counts at the beginning and end of each shift. Licensee also failed to have all the waste witnessed. Licensee was directed to make sure she did the drug counts at the beginning and end of each shift and have all waste witnessed per the facility policy.

(e) On 12/18/2012 Licensee's supervisor was informed that two Lortabs were discovered in a storage container. An investigation showed that the Licensee had failed to sign the control drug record as the nurse going off duty on 12/16/2012. Licensee was suspended and then terminated on 12/23/2012. Licensee was informed she was terminated for her failure to have waste witnessed and to sign off on drug counts at the beginning and end of each shift. Licensee again denied that she was aware that she had to have waste witnessed or sign off and complete a drug count at the beginning and ending of each shift.

(f) Licensee has demonstrated her inability to follow facility policy and good nursing practice. The question that remains is whether or not her failure to follow policy is due to incompetence, the current use of drugs and/or alcohol or mental health problems. Licensee has reported in the past that she hears voices when she is stressed and displays confusion and memory loss. Licensee has applied for social security disability.

#### **CONCLUSIONS OF LAW**

9. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

10. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110 (d);

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by verbal abuse, which shall be defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonably be expected to result in the patient's unnecessary fear, emotional distress, or mental distress; K.A.R. 60-3-110 (g);

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient; K.A.R. 60-3-110 (c);

Count 5: K.S.A. 65-1120(a)(6), unprofessional conduct, by diverting drugs, supplies, or property of any patient or agency; K.A.R. 60-3-110 (n);

Count 6: K.S.A. 65-1120(a)(3) to have committed an act of professional incompetency as defined in subsection K.S.A. 65-1120(e)(3); a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

#### **POLICY STATEMENT**

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

#### **DISPOSITION**

12. Based upon this Initial Agreed Order to Surrender and Revoke (Agreement), the parties agree that Licensee is surrendering licensee's license to practice nursing in the state of Kansas.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Licensee's license to practice nursing in Kansas is immediately revoked. Licensee shall not practice nursing in the state of Kansas.

14. Upon signing this agreement and returning it to the Board, licensee shall return any license cards in Licensee's possession with the agreement.

15. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document

shall be kept in the Board's agency file. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Initial Agreed Order to Surrender and Revoke is the date shown on the certificate of service.

16. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

17. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

18. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE.

**IT IS SO ORDERED.**

*Lynette Blackmore*  
Lynette Blackmore  
Respondent  
P.O. Box 125  
Strong City, Kansas, 66869  
*under protest*



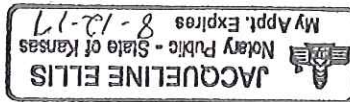
Alma A. Heckler, #11555  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

Lynette Blackmore must sign before a Notary Public.

Date: 1-9-14

*Subscribed & sworn before me this 9th day Jan. 2014*

*Jacqueline Ellis*



*Sandra Sharon*

Sandra Sharon, Presiding Officer

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed with 15 days from the date this initial order was served. Failure to timely request a reconsideration by the Kansas State Board of Nursing may preclude further judicial review. The petition for reconsideration shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

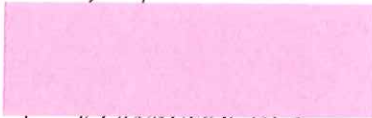
Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for reconsideration is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the ~~7<sup>th</sup>~~<sup>7<sup>th</sup></sup> day of March, 2013, I mailed a copy of this INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE to:

Lynette Blackmore  
P.O. Box 125  
Strong City, Kansas 66869

  
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Alma A. Heckler, #11555  
Assistant Attorney General