

FILED

NOV 27 2007

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
JEAN L. BROWN
License No. 23-020376-052**

Case No. 05-135-5, 05-926-5

PROPOSED DEFAULT ORDER TO REVOKE LICENSE


NOW ON THIS 27th day of November, 2007, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 5/31/2008. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas. Respondent is to mail the license card to the Kansas State Board of Nursing office immediately.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas licensed practical nurse license to the Kansas State Board of Nursing.

8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

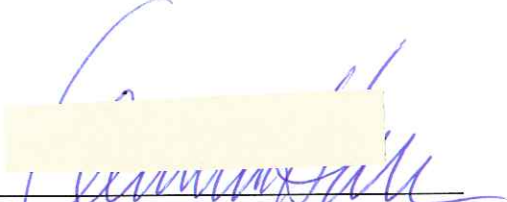
IT IS SO ORDERED.


Sandra L. Sharon, Presiding Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at:

State Board of Nursing - Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230


Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 27th day of November, 2007, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Jean L. Brown
1217 N Richmond
Wichita, Kansas 67203


Alma A. Heckler
Assistant Attorney General

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF
JEAN L. BROWN
License No. 23-020376-052

Case No. 05-135-5, 05-926-5

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas through 5/31/2008. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1217 N Richmond, Wichita, KS 67203.
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. 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.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:
 - (a) In #05-135-5 the respondent diverted Lortab for her own personal use while employed by Infinia/Wichita during the months of November 2004, December 2004 and January of 2005. Respondent documented giving the drug at more frequent intervals than was ordered for each patient. The respondent failed to cooperate with an internal investigation or submit to a urinary drug screen (UDS) and respondent's employment was terminated by Infinia/Wichita

1/27/2005. Respondent failed to accurately report to subsequent employers, the employer's reasons for her termination by Infinia/Wichita.

(b) In #05-926-5 while respondent was employed at HCR Manor Care, Wichita, Kansas, respondent diverted controlled substances from the resident's supplies for her own personal use. Respondent failed to disclose on her 7/18/2005 application for employment at HCR Manor Care, Wichita, Kansas, respondent was terminated from Infinia due to drug diversion on 1/27/2005. The respondent was terminated by HCR Manor Care on 9/15/2005.

(c) Additionally during the investigation of this case by the Kansas State Board of Nursing, the investigator discovered the respondent had also been terminated from Chaucer Estates in Wichita, Kansas due to diversion of Lortab and Darvocet N. Respondent was terminated on or about 7/13/2005. The respondent failed to report or accurately report the reasons for that termination and the reason for the termination on any of her subsequent applications for employment. On the same day the respondent was terminated by HCR Manor Care (9/15/2005) the respondent's pre-employment UDS requested by the Kansas Masonic Home was positive for benzodiazepines. A subsequent UDS was negative for all substances on September 30, 2006.

VIOLATIONS

6. Count 1: K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

Count 2: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

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

Count 5: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

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

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Paul Morrison
Kansas Attorney General

By: 


Alma A. Heckler, #11555
Assistant Attorney General