

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #551-S
TOPEKA, KANSAS 66612-1230

Filed
OCT 29 2003
Board of Nursing

IN THE MATTER OF THE LICENSE OF
Roger King
License No. 23-021579-012

CASE NO. 01-220-3, 02-162-3,
02-361-5

DEFAULT ORDER REVOKING LICENSE

NOW ON THIS 22nd day of October, 2003, petitioner appears by disciplinary counsel, Betty Wright, for a Hearing on the Petition. Respondent does not appear.

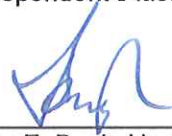
Wherefore, the hearing officer finds as follows:

1. Respondent is licensed through 1/31/2004 as an L.P.N. . The board has jurisdiction over this matter.
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 license.
4. The petitioner's request is granted by default.
5. The Board entered into a Consent Agreement and Final Order with the respondent on September 9, 2002 in Case No. 01-220-3 after a petition had been filed in that matter on March 13, 2002, prior to the completion of two other pending investigations in Case Nos. 02-162-3 and 02-361-5. As the basis for the agreement, the respondent stipulated that in Case No. 01-220-3 the respondent committed several violations of the Kansas Nurse Practice Act:
 - (a) respondent has violated K.S.A. 65-1120(a)(3), professional incompetency, a failure to adhere to the applicable standard of care amounting to gross negligence or a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice nursing;
 - (b) respondent has violated K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, unprofessional conduct - failing to take appropriate action or to follow policies and procedures designed to safeguard the patient;
 - (c) respondent has violated K.S.A. 65-1120(a)(1), fraud or deceit in practicing nursing; (d) respondent has violated K.S.A. 60-1120(a)(4) and K.A.R. 60-3-110(i) to be unable to practice with skill and safety due to current abuse of drugs or alcohol; and

(e) respondent has violated K.A.R. 60-3-110(a) performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

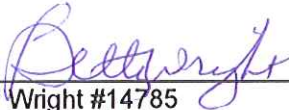
7. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
8. Respondent shall forward original Kansas L.P.N. license immediately to the Kansas State Board of Nursing.
9. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

IT IS SO ORDERED.



Terry E. Beck, Hearing Officer

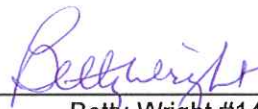
Prepared By:



Betty Wright #14785
Assistant Attorney General

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.



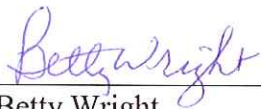
Betty Wright #14785
Assistant Attorney General
900 S.W. Jackson, Suite #1051
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 3rd day of November, 2003, I caused a copy of this document to be mailed, postage prepaid to respondent and to the attorney:

Roger King
512 E 12th St
Hays, KS 67601

Roger King
1104 E 17th Apt. D
Hays, KS 67601



Betty Wright
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230

Filed

APR 29 2003

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF
ROGER KING
LICENSE NO. 23-021579-012

CASE NO. 01-220-3, 02-162-3, 02-361-5

PETITION

COMES NOW the petitioner, the 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 through 1/31/2004.
2. Respondent's address of record is 1104 E. 17th Apt. D, Hays, Kansas 67601-3516.
3. After several investigations the Board's investigative committee found reasonable grounds to believe that the respondent and violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Board entered into a Consent Agreement and Final Order with the respondent on September 9, 2002 in Case No. 01-220-3 after a petition had been filed in that matter on March 13, 2002, prior to the completion of two other pending investigations in Case Nos. 02-162-3 and 02-361-5. As the basis for the agreement, the respondent stipulated that in Case No. 01-220-3 the respondent committed several violations of the Kansas Nurse Practice Act:

(a) respondent has violated K.S.A. 65-1120(a)(3), professional incompetency, a failure to adhere to the applicable standard of care amounting to gross negligence or a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice nursing;

(b) respondent has violated K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, unprofessional conduct - failing to take appropriate action or to follow policies and procedures designed to safeguard the patient;

(c) respondent has violated K.S.A. 65-1120(a)(1), fraud or deceit in practicing nursing;

(d) respondent has violated K.S.A. 60-1120(a)(4) and K.A.R. 60-3-110(i) to be unable to practice with skill and safety due to current abuse of drugs or alcohol; and

(e) respondent has violated K.A.R. 60-3-110(a) performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

5. The violations were based on the following facts in Case No. 01-220-3:

On or around 9/29/00 and 9/30/00, respondent worked as a nurse at a hospital in Quinter, Kansas. The respondent administered two (2) Percocet to a patient at 2:00 am on 9/29/00 and again to the same patient at 2:30am on 9/30/00. The patient informed his doctor he had received Percocet and the attending physician requested an in-house investigation. The attending physician had not prescribed Percocet. Respondent had signed out Percocet on the controlled substance records for the patient. The respondent told co-workers when questioned that he had relied on the statements of the patient, who told him that he takes Percocet and did not check for a physicians order. The respondent failed to document the Percocet administration on the patient's MAR, but did make a "late entry" in the nurse's notes when questioned by co-workers. The respondent was terminated 10/12/00 from the facility after failing to take advantage of an opportunity to discuss the incident with the facilities risk management committee and calling in sick for the next three days.

Respondent was convicted in Hays, Kansas Municipal court on 6/7/94 (Case No. 94A1041) and convicted of misdemeanor disorderly conduct in Ellis County., The respondent failed to report to the facility, on his application, that he had been convicted of DUI in Hays, or the disorderly conduct in Ellis County on 9/6/96 (Case No. 96CR362). He also failed to report the convictions on his 1/24/96, 1/27/98, 1/14/00 and 11/19/01 license applications to the Kansas State Board of Nursing.

6. The Board has received notice from KNAP that the respondent's file has been closed for non-compliance, failure to submit 12 step attendance sheets since July, 2002, no UA's for August or September, missed monthly monitoring meetings for August and September, 2002, and had not attended aftercare at St. Francis per his discharge agreement.

7. The Board has received new complaints in Case Nos. 02-162-3 and 02-361-5 and the matter has been presented to the Board's investigative committee and the committee found reasonable grounds to believe that the respondent and violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings. The respondent, based on the allegations presented in Case No. 02-162-3 and 02-361-5, has also violated the terms of the Consent Agreement and Final Order he entered into in September of 2002.

8. 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

Case No. 01-220-3

9. On or around 9/29/00 and 9/30/00, respondent worked as a nurse at a hospital in Quinter, Kansas. The respondent administered two (2) Percocet to a patient at 2:00 am on 9/29/00 and again to the same patient at 2:30am on 9/30/00. The patient informed his doctor he had received Percocet and the attending physician requested an in-house investigation. The attending physician had not prescribed Percocet. Respondent had signed out Percocet on the controlled substance records for the patient. The respondent told co-workers when questioned that he had relied on the statements of the patient, who told him that he takes Percocet and did not check for a physicians order. The respondent failed to document the Percocet administration on the patient's MAR, but did make a "late entry" in the nurse's notes when questioned by co-workers. The respondent was terminated 10/12/00 from the facility after failing to take advantage of an opportunity to discuss the incident with the facilities risk management committee and calling in sick for the next three days.

10. Respondent was convicted in Hays, Kansas Municipal court on 6/7/94 (Case No. 94A1041) and convicted of misdemeanor disorderly conduct in Ellis County., The respondent failed to report to the facility on his application, that he had been convicted of DUI in Hays, or the disorderly conduct in Ellis County on 9/6/96 (Case No. 96CR362). He also failed to report the convictions on his 1/24/96, 1/27/98, 1/14/00 and 11/19/01 license applications to the Kansas State Board of Nursing.

11. The Board has received notice from KNAP that the respondent's file has been closed for non-compliance, failure to submit 12 step attendance sheets since July, 2002, no UA's for August or September, missed monthly monitoring meetings for August and September, 2002, and had not attended aftercare at St. Francis per his discharge agreement.

Case No. 02-162-3

12. While employed by As Needed Staffing Agency and assigned to work at Mid America Health care in Lincoln, Kansas the respondent diverted multiple residents' controlled substances for his personal use on or about 3/12/02 and 3/13/02. Multiple bubble packs were found in the trash and much of the corresponding paperwork for those packs was also missing. The controlled substances missing included the following: Roxicet, Duragesic patches, Darvocet N 100, Lortab, H-Codone/APAP10/500 and Alprazolam. When interviewed by the Director of Nursing for the facility, the respondent indicated that he had in his possession on 3/12/02 and 3/13/02 all three (3) sets of medication keys and did not give the keys to anyone else. He did indicate that he left the keys lying around because he did not have pockets in his uniform. The other staff denied giving their medication keys to the respondent. The respondent also admitted to the DON that he had administered two (2) Roxicets to a patient during his shift. However when the alert patient was interviewed she indicated that she only received one dose of Roxicet.

Case No. 02-361-5

13. Respondent was employed by Nursefinders of Wichita and was assigned to work at Wesley Rehabilitation Hospital, the respondent diverted Oxycontin, Percocet and Lortab for his personal use on 6/19/02. Respondent also tampered with the controlled substance logs. Nursefinders was notified of the incident and the respondent was not allowed to work at Wesley Rehabilitation after that date. Respondent also altered the medication logs to hide the discrepancies in medication counts.

COUNT I

Respondent has violated K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, unprofessional conduct; failing to take appropriate action or to follow policies and procedures designed to safeguard the patient.

COUNT II

Respondent has violated K.S.A. 65-1120(a)(2) "to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust..."

COUNT III

Respondent has violated 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 IV

Respondent has violated 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 V

Respondent has violated K.A.R. 60-3-110(d) inaccurately recording, falsifying, or altering any record of a patient or agency or of the Board.

COUNT VI

Respondent has violated K.A.R. 60-3-110(n) diverting drugs, supplies, or property of any patient or agency.

COUNT VII

Respondent has violated K.A.R. 60-3-110(r) failing to comply with any disciplinary order of the Board.

COUNT VIII

Respondent has violated K.A.R. 60-3-110(s) failing to complete the requirement of the impaired provider program of the Board.

WHEREFORE, petitioner requests a finding that the respondent has violated the nurse practice act, that his license be revoked for his failure to complete the Consent Agreement and Final Order that the respondent cannot practice with safety, has altered records of an agency and patients and has diverted drugs for his own use. The costs of this action should be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Phill Kline
Attorney General

By: _____


Alma A. Heckler
Assistant Attorney General