

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
Dianne Elizabeth Eells**

**License No. 23-22204-111
Case No. 15-2188-4**

EFFECTIVE AS A
FINAL ORDER
DATE: 2-24-2019

SUMMARY ORDER

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 proposes to find facts and take disciplinary action against the nurse license of Dianne Eells, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

1. a. Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
b. Licensee's address of record is 109 West 18th, Hutchinson KS 67502.
2. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
3. 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 this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. Pursuant to K.S.A. 74-1110 the Kansas State Board of Nursing may also assess a civil fine not to exceed \$1,000.00 for the first violation of a law or rule and regulation applicable to the practice for which such person has been granted a license.
4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Applicant violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
5. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

FINDINGS OF FACT

6. (a) Licensee while employed by the Hutchinson Clinic was asked to provide a drug screen; she refused and quit her job. Licensee made a self referral to KNAP, and

entered into a one year contract on or about November 1, 2015 that required, among other things, that she abstain from alcohol. The licensee's drug screen taken on December 10, 2015 was positive for alcohol, as was the drug screen taken on December 16, 2015. After these relapses licensee then entered into a three year contract with KNAP on or about December 21, 2015. Licensee was selected for a random drug screen on January 14, 2016 and while she checked in she did not test. KNAP terminated licensee's participation in the program on or about February 3, 2016 for non-compliance.

(b) Licensee entered into a Diversion Agreement with the Kansas State Board of Nursing on or about November 9, 2016 in which she agreed to be re-referred to KNAP. A referral was made, but licensee declined to make contact with KNAP.

STATEMENT OF VIOLATIONS

K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to complete the requirements of the impaired provider program of the Board.

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

- 1. Licensee's license is revoked.**
- 2. Licensee shall not practice nursing in the state of Kansas.**

Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a 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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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.



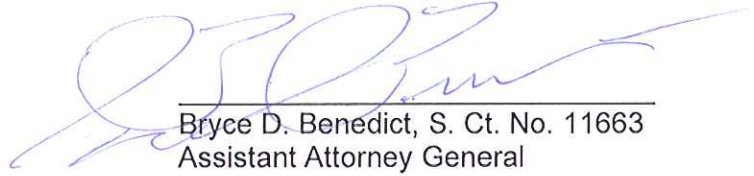
Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 26th day of January, 2017, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid,

addressed to the following:

Dianne Eells
109 West 18th
Hutchinson KS 67502



Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General

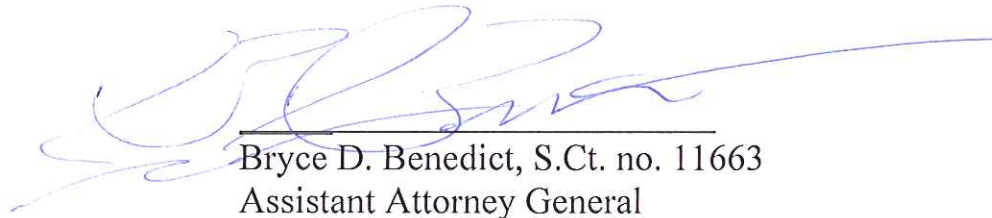
FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition must be filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka KS 66612.

CERTIFICATE OF SERVICE

I certify that on the 24th day of February, 2017, a copy of the Final Order, and Final Order Notice of Rights, was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Dianne Eells
109 West 18th
Hutchinson KS 67502



Bryce D. Benedict, S.Ct. no. 11663
Assistant Attorney General