

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

FEB 09 2016

KSBN

IN THE MATTER OF

Tammy Sue Parker

License No. 23-22628-102

Case No. 13-2019-9

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DEFAULT ORDER

NOW ON THIS 26th day of January, 2016, Petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Bryce Benedict, for a Pre-Hearing on the Petition. Respondent does not appear in person or by phone.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through October 31, 2016. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the Petition and Notice of Hearing to Respondent's last known address of record and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking Respondent's license. The Petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The Petition is hereby granted and incorporated into this order as if fully 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.
6. Costs of the action of \$100.00 are assessed to Respondent to be paid to the Board by cashier's check or money order within 30 days of the effective date of this order.
7. This Default Order shall become effective seven days after service, or ten days after mailing of this order unless the Respondent files a written motion stating why the Default Order should be vacated and the order is then vacated.

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

IT IS SO ORDERED.



Sandra L. Sharon
Administrative Law Judge
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-520 and 77-527, either party may file a written motion to vacate the Default Order, stating the grounds why the order should be vacated. A motion to vacate the order must be filed within 7 days after service. A motion to vacate shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka KS 66612-1230.

Either party may seek agency review of the Default Order by filing a petition for review with the Kansas State Board of Nursing within 15 days after its service. A petition for review, stating the basis for review, shall be mailed or personally delivered to: Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, Landon State Office Building, 900 SW Jackson, Suite 1051, Topeka KS 66612-1230.

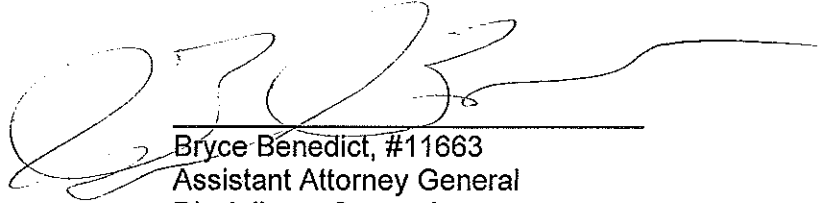
Pursuant to K.S.A. 77-531, if the Default Order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then the Default Order becomes a final order on the 30th day following its service.

FINAL ORDER NOTICE OF RIGHTS

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.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Default 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 66612-1230.

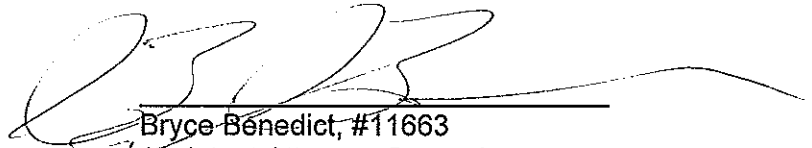


Bryce Benedict, #11663
Assistant Attorney General
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite 1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 11th day of FEBRUARY 2016, a true and correct copy of the foregoing Default Order was deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Tammy Parker
601 Commercial
Council Grove KS 66846



Bryce Benedict, #11663
Assistant Attorney General

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OCT 8 0 2015

**IN THE MATTER OF
Tammy Sue Parker**

KSBN

**License No. 23-22628-102
Case No. 13-2019-9**

PETITION

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

1. Respondent, Tammy Sue Parker, is licensed to practice nursing in Kansas through October 31, 2016. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 601 Commercial, Council Grove, KS 66846.
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 et seq., 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.

STATEMENT OF FACTS

5. The facts below are common to all counts:
 - (a) On September 13, 2014 respondent was employed as a nurse at the Flint Hills Care Center in Emporia, Kansas.

- (b) On September 13, 2014 while employed as a nurse at the Flint Hills Care Center, among the residents to whose care respondent was assigned was a female patient identified here by the initials D.L.
- (c) At about 2100 on September 13, 2014 a CNA called respondent in to check on D.L., as the CNA felt D.L. was not as responsive as before.
- (d) Respondent then performed an assessment on D.L. and found D.L. was not responsive, but she had a pulse.
- (e) Respondent advised the CNA that D.L. was OK. The CNA then brushed D.L.'s teeth and washed D.L.'s face with a cold towel, and reported to respondent that D.L. had still not responded. Respondent made no further assessment at that time.
- (f) At about 2200 a CNA reported to respondent that D.L. had apparently died. Respondent performed an assessment on D.L. and found no vital signs.
- (g) Respondent then called on another LPN from the facility East side to verify D.L.'s death; that LPN found no vital signs.
- (h) Respondent then looked into D.L.'s chart for information on family to contact, and at that time discovered D.L. was a full code. This was about ten minutes after respondent's assessment found no vital signs. Respondent did not know D.L.'s code or DNR status until then.
- (i) Upon determining D.L. had no vital signs respondent did not check D.L.'s chart to see if she was a code or DNR.
- (j) At no time did respondent initiate CPR or any other life saving measure on D.L.
- (k) D.L. died on September 13, 2014.
- (l) Respondent was terminated by Flint Hills Care Center on or about October 7, 2014 as a result of her actions or inactions regarding D.L.

VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(3), to have committed acts of professional incompetency.

Count 2: 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 take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient;

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 at least the amount of \$100.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By: 

Bryce D. Benedict, #11663
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612