

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

**IN THE MATTER OF GINA LINN FIGURES**

MAR 06 2015

License No. 23-28110-031

KSBN

Case No. 13-407-6

**SUMMARY ORDER**

NOW ON THIS 10<sup>th</sup> day of March, 2015, 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 proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. This 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.
2. Licensee's address of record is P.O. Box 372 Cherryvale, Kansas 67335.
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. Review of the information gathered by the Board revealed the following upon which this action is based.
  - (a) According to a report, licensee diverted narcotics from a patient's home.
  - (b) Licensee denied any knowledge of a bottle of tylenol/ codeine missing from a patient's home.
  - (c) When confronted, licensee stated she had accidentally spilled the bottle and the pills went down the sink.
  - (d) Licensee called in to the pharmacy to replace the bottle of tylenol/codeine according to her statement.
  - (e) Licensee reported that she has a prescription for tylenol/codeine.

- (f) Licensee was overheard saying that she had not been able to afford to fill the prescription.
- (g) Licensee's employer, Craig Home Care, terminated her employment on or about 2/1/2013 and referred you to the Kansas Nurse Assistance Program (KNAP).
- (h) Licensee entered a contract with KNAP on 4/9/2013.
- (i) On the 23<sup>rd</sup> of January, 2014, licensee had a positive UDS for Hydrocodone without having a current prescription on file.
- (j) The KNAP case was closed unsuccessfully in January 2014.
- (k) The KSBN had sent an investigative letter to this licensee on the 12<sup>th</sup> day of July, 2013 with no response.
- (l) Licensee was again contacted by KSBN through the disciplinary counsel on the 21<sup>st</sup> day of July, 2014 and there was no response.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by criminal activity regarding drugs and failure to comply with the Kansas Nurse Assistance Program and complete.

#### CONCLUSIONS OF LAW

- a. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- b. K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;
- c. K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).
- d. K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.
- e. K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

6. 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 authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;

Count 3: K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

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

Count 5: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

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

#### POLICY STATEMENT

1. Truthfulness is the hallmark of the nursing profession and a violation of the public trust.
2. Diversion of patient medication and failure to comply with the impaired provider program is a danger to healthcare systems and the general public.

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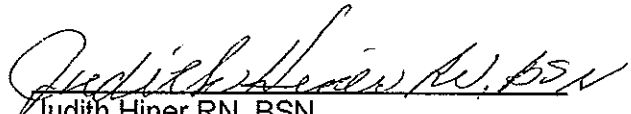
3. Failure to respond to multiple correspondence shows a total disregard of the Board's authority.

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

1. Licensee's license to practice nursing in the state of Kansas is revoked.
2. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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.

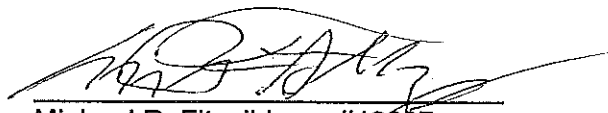
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

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

**CERTIFICATE OF SERVICE**

On the 10<sup>th</sup> day of March, 2015, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Gina Figures  
P.O. Box 372  
Cherryvale, Kansas 67335

  
Michael R. Fitzgibbons #12267  
Assistant Attorney General