

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAR 17 2015

IN THE MATTER OF SAMANTHA MARIE ROUBISON

License No. 23-28175-121

KSBN

Case No. 12-2267-8

SUMMARY ORDER

NOW ON THIS 17th 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 until December 2015.

The Board has jurisdiction over the Licensee and the subject matter of this action.

2. Licensee's address of record is 10170 Haskins Street Lenexa, Kansas 66215.

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, while working at Pioneer Ridge Nursing Facility, licensee was alleged to have diverted narcotics for her own use.

(b) Licensee was terminated from her employment due to drug diversion on 4th day of December 2012.

- (c) Licensee signed a one year agreement with the KNAP program on the 15th day of November 2013.
- (d) Licensee had positive UDS on 4/29/14 and 5/13/14 for benzodiazepine (Nordiazepam) for which licensee did not have a prescription.
- (e) Licensee requested a medical record review which resulted in confirmation of the ingestion of a valium type of benzodiazepine for which licensee did not have a prescription.
- (f) This positive UDS was considered a relapse and licensee refused to sign a three year contract and her case was closed on the 21st day of May 2014.
- (g) Licensee contacted KSBN stating that she would like to surrender her license.
- (h) A consent agreement for surrendering her license was sent to her on the 24th day of September, 2014 and she failed to respond.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by pattern of alcohol offenses indicating alcohol abuse, failure to disclose disciplinary action on her driver's license and failure to complete the impaired provider program (KNAP).

CONCLUSIONS OF LAW

- a. K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;
- b. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- 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.

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.

5. 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)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;

Count 2: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

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.

K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings do not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.

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

POLICY STATEMENT

1. Inability to follow policies and procedures of medical facilities makes this licensee a danger to the public, puts patients and the public at risk, and is a violation of the Kansas Nurse Practice Act.

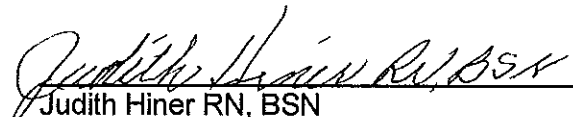
2. Diversion of drugs poses a danger to patients and the health care system.
3. Failure to comply with the impaired provider program poses a danger to the nursing profession in assuring the safety to practice in nursing practice.

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

1. Licensee's license 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.

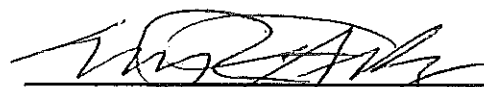
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


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

CERTIFICATE OF SERVICE

On the 17th day of march 2015, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Samantha Marie Roubison
10170 Haskins Street
Lenexa, Kansas 66215


Michael R. Fitzgibbons #12287
Assistant Attorney General