

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED
NOV 29 2011
KSBPN

IN THE MATTER OF
DEBORAH L. EKBERG
License No. 23-29816-052

Case No. 10-080-9, 10-1246-9

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 29th day of November 2011, Petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Danielle R. Sanger, 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 05/31/2012. 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 \$70 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. Respondent shall immediately forward his or her original Kansas nursing license to the Kansas State Board of Nursing.

8. This Proposed Default Order shall become effective seven days after service, or ten days after mailing, of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.
9. Disciplinary counsel shall mail a copy of this proposed default order to Respondent's last known address of record.

IT IS SO ORDERED.

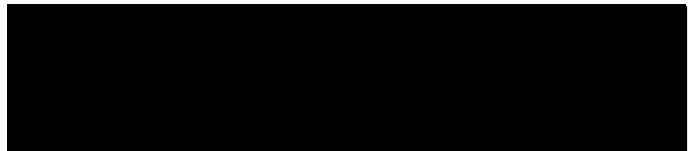


Sandra L. Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-520, a party against whom a proposed default order is issued may file a written motion to vacate the order. A motion to vacate the proposed default order must be timely filed within 7 days following service of the proposed default order. If no timely motion to vacate the proposed default order is received and granted, the proposed default order becomes final without further proceedings or notice in 30 days after the service of the proposed default order.

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

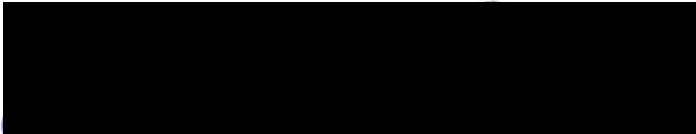


Danielle R. Sanger, #24587
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 20th day of November 2011, a true and correct copy of the foregoing Proposed Default Order Revoking License was deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Deborah Ekberg
PO Box 11
Morganville KS 67468.



Danielle R. Sanger, #24587
Assistant Attorney General

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**IN THE MATTER OF
DEBORAH L. EKBERG
License No. 23-29816-052**

Case No. 10-080-9, 10-1246-9

FILED
OCT 27 2011
KSBPN

PETITION

COMES NOW the Petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Danielle R. Sanger, and for its cause of action states that:

1. Respondent, Deborah L. Ekberg, is licensed to practice nursing in Kansas through 05/31/2012. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is PO Box 11, Morganville KS 67468.
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. 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

5. The facts below are common to all counts:

- a. On or about 1/4/2010, the Board received a report regarding Respondent, alleging that on or about 12/18/2009, while employed with Medicalodges, Clay Center Kansas, Respondent practiced beyond her scope and failed to follow policy and procedure.
- b. In a statement written and signed by Respondent on or about 12/22/2009, Respondent stated that on 12/17/09 she was passing 1200 medications, and she gave patient M.L. two Percocet by mouth at 1200. Two were signed out on the book and two were given; however, patient M.L. only had a doctor's order for one Percocet. Respondent also stated that she gave patient D.W. two Lortab. Two were signed out on the book and two were given; however, patient D.W. only had a doctor's order for one Lortab.
- c. On or about 9/20/2010, the Board received a report regarding Respondent, alleging that while employed at Linn Nursing Home, Linn Kansas, Respondent practiced while impaired.



VIOLATIONS

- 6. Respondent has violated the Kansas Nurse Practice Act as follows:
 - a. Count 1: K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the board, by KAR 6-3-110(a), performing acts beyond the authorized scope of the level of nursing for which the individual is licensed

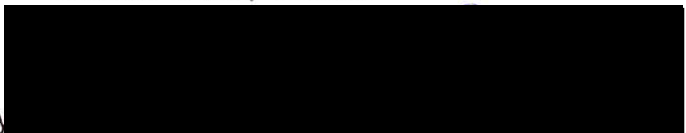
- b. Count 1: K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the board, by KAR 6-3-110(s), failing to complete the requirements of the impaired provider program of the board.

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 amount of \$70.00.

Respectfully submitted,

Derek Schmidt,
Kansas Attorney General

By


Danielle R. Sanger #24587
Assistant Attorney General
Kansas State Board of Nursing
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900 SW Jackson #1051
Topeka, KS 66612