

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

FILED

FEB - 2 2012

KSBN

IN THE MATTER OF
WENDY PARMENTER
License No. 23-30201-042
Case No: 11-1127-8

SUMMARY ORDER TO REVOKE

Now this 2nd day of February, 2012, 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 licensed practical nurse license of Wendy Parmenter, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. a. Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 4/30/2012. The Board has jurisdiction over the Licensee and the subject matter of this action.
 - b. Licensee's address of record is 702 Watson Street, Emporia, Kansas 66801-6088.
 - c. Licensee was allowed to plea to a felony possession of opiates, opium, narcotic drug and certain stimulants and misdemeanor theft in Lyon County, Kansas District Court, Case No. 2010-CR-000244 and enter a diversion agreement on or about 8/27/2010. She failed to complete the terms of the diversion agreement and it was revoked on or about 8/30/2011. She was adjudged guilty of the crimes and sentenced to probation.
 - d. While on diversion in the Kansas criminal case listed in item "c" above, Licensee was indicted in the U.S. Federal District Court in June, 2011 for the crimes of consumer product tampering, a violation of 18 U.S.C. § 1365(a) and adulteration of a drug, a violation of 21 U.S.C. § 331. Licensee was working as an LPN at Rolling Hills Health Center in Topeka, Kansas. She tested positive for morphine. She ingested morphine prescribed for a 105 year old patient who was suffering from dementia and chronic pain. She added tap water to the bottle to disguise the theft.
 - e. Licensee entered into a plea agreement and pled in the federal criminal case on November 3, 2011 in the United States District Court for the District of Kansas Case No. 11-40040-01-RDR and has agreed to permanently surrender her nursing license to the Board and to not seek reinstatement of her nursing license in the future.
 - f. Licensee has failed to notify the Board of her conviction or to surrender her license to the Board.
2. 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. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(a) K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...

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

(c) K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.
4. 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.
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

1. **Licensee's license is revoked based her conviction in the United States District Court for the District of Kansas, Case No. 11-40040-01-RDR on November 3, 2011. Licensee's license is also revoked based on her conviction in Lyon County, Kansas District Court, Case No. 2010-CR-000244 on or about 8/30/2011.**
2. **Licensee shall not practice nursing in the state of Kansas ever again under the terms of the plea agreement and conviction in the United States District Court of Kansas, Case No. 11-40040-01-RDR; Item 6. "In return for the government's agreement to enter into a Rule 11(c)(1)(C) plea agreement, the defendant agrees to surrender permanently any nursing or other health care provider license she currently holds and further agrees to not apply for or reapply for any license that would allow her to work in the health care industry at any time in the future."**

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 2nd day of February, 2012, the foregoing copy of the Summary Order to Revoke was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Wendy Parmenter
702 Watson Street
Emporia, Kansas 66801-6088



Alma A. Heckler, #11355
Assistant Attorney General