

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**  
**OCT 1 - 2010**  
**KSBN**

**IN THE MATTER OF**  
**VANDY K. WASHINGTON**  
**License No. 23-032746-042**

**Case No. 10-078-8**

**SUMMARY ORDER**

Now this 1st day of October, 2010, 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 reinstatement application of Vandy K. Washington (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. (a) Applicant was previously licensed to practice nursing in the state of Kansas. Applicant's license to practice nursing in the state of Kansas as a licensed practical nurse lapsed on or about 4/30/2008. Applicant submitted an application for reinstatement of Applicant's license to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
- (b) Applicant's address of record is 1420 New Jersey St., Lawrence, Kansas 66044.
- (c) On or about December 29, 2009, the Board received Applicant's application for reinstatement of Applicant's license to practice nursing in the state of Kansas.
- (d) On or about 8/1/2005 Applicant was licensed in the state of Kansas as a Licensed Practical Nurse (LPN) but was working as a Certified Medical Assistant (CMA) at the Eudora Nursing Center, Eudora, Kansas. On or about 8/1/2005 a delivery of medications was made to the Eudora Nursing Center by Hy-Vee Pharmacy personnel. Applicant signed for and received the delivery from Hy-Vee. Included in the 8/1/2005 delivery from Hy-Vee was APAP with Hydrocodone/APAP 5/500 quantity 30, RX #355907 for resident E.L.
- (e) Eudora Nursing Center policy for accepting a prescription delivery requires that the delivered medications be signed for, counted and properly documented in a notebook. Applicant did not follow this policy for the medication delivery on or about 8/1/2005.
- (f) On or about September of 2006 Applicant was working as a nurse at Manor Care, Topeka, Kansas. Applicant was employed by Alacrity staffing Agency of Lenexa, Kansas and assigned to Manor Care. On or about 9/26/2006 Manor Care staff noticed that narcotics were missing from medication carts. The medications belonged to residents of Manor Care. S. Moore, LPN advised there were thirty (30) Lortab and one count sheet missing from her cart. V. Ribordy, LPN advised there were sixty (60) Lortab and two count sheets missing from her cart. Lortab is a narcotic prescription only drug.

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(g) Manor Care staff interviewed all staff that had access to the medication carts mentioned above during the days leading up to 9/26/2006. All of those interviewed denied taking the missing Lortab. Manor Care staff attempted to contact Applicant through Alacrity for an interview regarding the missing Lortab. Applicant was among the staff that would have had access to the medication carts during the days leading up to 9/26/2006. Applicant did not appear for an interview. Manor Care staff reported to Alacrity that the Applicant failed to appear for the interview. Manor Care staff was informed by Alacrity that the Applicant had quit her position with Alacrity.

(h) Applicant expressed to the board, through her counsel, her wish to surrender her license to practice nursing in Kansas. Applicant surrendered her license on May 24, 2007 by entering into a Consent Agreement to Surrender and Revoke License and Final Order.

(i) Applicant filed a reinstatement application on December 29, 2009. Applicant has not provided proof of any treatment or change in circumstances consistent with *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991), the factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made are the following:

- The present moral fitness of the petitioner;
- The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- The extent of petitioner's rehabilitation;
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.

### CONCLUSIONS OF LAW

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)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency.

(c) K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

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

(e) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

3. Applicant'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 and 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.

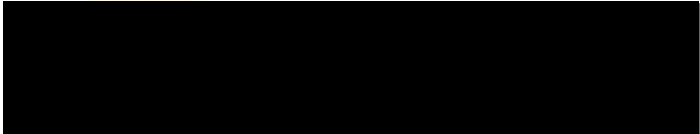
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

**1. Applicant's reinstatement application to practice nursing in the state of Kansas is denied.**

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.

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.



Janet Jacobs, LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 15<sup>th</sup> day of October, 2010, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Vandy K. Washington  
1420 New Jersey St.  
Lawrence, Kansas 66044



Alma A. Heckler, #11555  
Assistant Attorney General