

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAR 12 2014

KSBN

IN THE MATTER OF

BRANDI L. GATES

License No. 23-35047-122

Case No. 11-320-5

SUMMARY ORDER TO REVOKE

Now this 12th day of March, 2014, 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 (LPN) license of Brandi L. Gates, (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 licensed practical nurse through 12/31/2014. Respondent was licensed in Kansas as an LPN in 2006. The Board has jurisdiction over the Licensee and the subject matter of this action.
- b. Licensee's address of record is 36699 Hedge Lane, Paola, Kansas 66071.
- c. Licensee was employed by Pinnacle Ridge Nursing & Rehab in Olathe, Kansas from 11/14/2008 to 7/30/2010. While employed at Pinnacle Ridge licensee pulled and allegedly administered to patients an excessive amount of narcotics. Licensee failed to document assessments of patients' condition and pain levels or the administration of the narcotics.
- d. Patient records subpoenaed by the Board show that two patients in particular were administered excessive doses of hydrocodone by the licensee. She was the only nurse who pulled hydrocodone to administer to those patients in June and July of 2010.
- e. Licensee was terminated by Pinnacle Ridge in July of 2010 and was noted as not eligible for rehire.
- f. Board opened an investigation and did a background check on 12/30/2013. The Board discovered she had an extensive history of arrests, convictions and pending charges she did not report to the Kansas Board of Nursing:

Licensee received two criminal diversions in 1998 and 1999 for giving a worthless check in cases filed in Harvey County, Kansas District Court.

Licensee was convicted of misdemeanor theft of property and services in Lenexa, Kansas Municipal Court on or about June 19, 2013.

Licensee was charged with felony possession of heroin and drug paraphernalia in Miami County District Court on or about July 26, 2013. Licensee has failed to report the outcome to the Board.

Licensee was charged with driving under the influence (DUI), first time offense, on or about October 18, 2013 in Miami County District Court. Licensee has failed to report the outcome 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)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
 - (b) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined 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;
 - (c) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(n) diverting drugs, supplies, or property of any patient or agency;
 - (d) 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...
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.**

2. Licensee shall not practice nursing in the state of Kansas.
3. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.

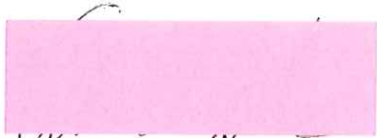
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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 HINEY, RN, BSIN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 12th day of March, 2014, 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:

Brandi Gates
36699 Hedge Lane
Paola, Kansas 66071


Alma A. Heckler, #11555
Assistant Attorney General