

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAY 27 2014

IN THE MATTER OF

TRISHA PETERSON

License No. 23-35231-012

KSBN

Case No. 11-978-3

SUMMARY ORDER TO REVOKE

Now this 27th day of May, 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 license of Trisha Peterson, (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 1/31/2016. The Board has jurisdiction over the Licensee and the subject matter of this action.
- b. Licensee's address of record is 1465 8th Rd., Chase, Kansas 67524.
- c. The above captioned case was opened after the Board received a complaint that while the licensee was hospitalized, she sought narcotics from four (4) different providers and two different pharmacies within one month. Licensee admitted to an addiction to narcotics.
- d. Licensee was employed by Rice County Hospital in Lyon, Kansas from 5/15/2008 to 7/18/2012. On or about 5/10/2012 licensee was tested due to a suspicion of drug abuse because licensee demonstrated mood swings. Licensee was not speaking clearly and her thinking seemed to be impaired. Licensee was put on suspension until she could set up appointments with the hospital's Employee Assistance Program (EAP) and the Kansas Nurse Assistance Program (KNAP). Rice County Hospital also told licensee that she would be tested whenever any suspicion arose. She was retested at her request and she tested positive for Barbiturates on 5/21/2012. On 6/27/2012 EAP reported that the licensee had cancelled two appointments in a row and she could not explain why she cancelled. She was a no-show on 7/10/2012. She was tested on 7/18/2012 and the results were positive for Lortab. Results were tested twice. Licensee's employment was terminated.
- e. Licensee was contacted by KNAP and she signed the authorization for disclosure of protected health information on 6/19/2012. She was referred to Earl McGhee for her drug and alcohol evaluation but called KNAP on or about 6/14/2012 and wanted to have a Mark Glover, a marriage and family therapist, completed her drug and alcohol evaluation. KNAP told her she did not get to pick out who did the evaluation but she could go to New Beginnings. Licensee still had Mark Glover do the evaluation. KNAP closed her case on or about June 19, 2012 because she was in non-compliance.

f. Licensee worked at Good Samaritan in Lyons, Kansas from 2/12/2013 to 6/10/2013. Licensee received a written warning from Good Samaritan on 2/27/2013 for several medication errors made between the dates of 2/23/2013 and 2/25/2013. She received a Final Warning on 3/18/2013 because she signed out narcotics for a patient on 3/6/2013, 3/9/2013, twice on 3/10/2013 and again on 3/12/2013, without documenting the administration of the medications on the medication administration record (MAR).

g. Licensee employment with Good Samaritan was terminated on 6/10/2013 because she administered Narco (acetaminophen and hydrocodone, a narcotic) to a patient every three to four hours, after the dosage ordered by his physician was changed to every six hours.

h. Licensee may be working as a nurse but the Board is unaware because the licensee failed to contact the Board investigator as requested. Licensee is not safe to practice as a nurse.

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 the 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(t) failing to furnish the board, its investigators, or its representatives with any information legally requested by the Board.

(c) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R.60-3-110(a) performing acts beyond th authorized scope of the level of nursing for which the individual is licensed;

(d) 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;

(e) 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;


(f) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R.60-3-110(s) failing to complete the requirements of the impaired provider program of the board.

- 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.**

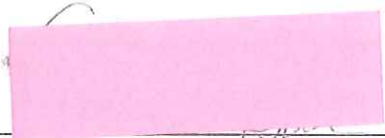
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230,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

CERTIFICATE OF SERVICE

I certify that on the 22nd day of May, 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:

Trisha Peterson
1465 8th Rd.
Chase, Kansas 67524



Alma A. Heckler, #11555
Assistant Attorney General