

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 25 2011

KSBN

**IN THE MATTER OF
DANA S. JOHNSON
License No. 23-35442-012**

Case No. 10-708-1

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 25th day of October, 2011, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

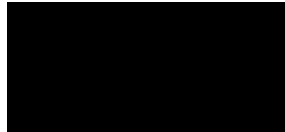
1. Respondent is licensed to practice nursing in Kansas through 1/31/2012. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service 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 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 cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas nurse 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. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

10. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.



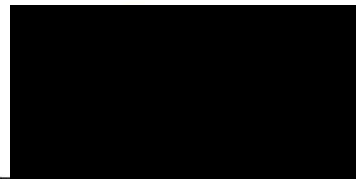
Sandra L. Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

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



Alma A. Heckler, #11555
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 25th day of October, 2011, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Dana S. Johnson
1605 Morton St
Great Bend, KS 67530



Alma A. Heckler
Assistant Attorney General

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PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent, Dana S. Johnson, is licensed to practice nursing in Kansas through 01/31/2012. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1605 Morton Street, Great Bend, KS 67530.
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) Respondent was initially licensed to practice nursing in Kansas on 09/01/2006, and has a license current through 01/31/2012 as of her last renewal.

(b) On or about 07/18/2009, Respondent was charged with reckless aggravated battery, a level 5 person felony, in the Barton County District Court, Case No. 09-CR-208.

(c) On or about 9/23/2010 the original charge was amended to obstruction of official duty, a level 9 non-person felony, in return for Respondent's pleading of nolo contendere and entering into a plea agreement. Respondent was sentenced to 12 months probation.

(d) On or about 03/02/2010 Respondent was employed by Corner Stone Agency, a nurse placement agency, and was placed at Minneola District Hospital. She began work there in 10/2009.

(e) While employed at Corner Stone Agency, Respondent was presented with a patient, RC, who had been very weak and seated in a wheelchair earlier and who had a blood pressure of 91/49.

(f) RC had Coronary Artery Disease, for which a treatment course of nitroglycerin is proscribed. Standing orders stated nitroglycerin could be delivered PRN three times for patients with said condition, but that if the blood pressure drops under 90/60 or the angina is not relieved after the third dose, the doctor should be notified.

(g) Respondent noted patient had CAD, and administered a dose of nitroglycerin without attempting to contact the patient's doctor.

(h) When patient's blood pressure fell to 86/48, Respondent attempted to contact the doctor, who was in surgery. Respondent read and misinterpreted the standing orders, administering a second dose of nitroglycerin in the mistaken belief it would increase patient's blood pressure. Patient's blood pressure subsequently fell to 62/37.

(i) Patient's daughter MM is also an employee, and came to check on him after the above incidents. She found him non responsive and with a displayed blood pressure of 60/30.

The daughter went to find the charge nurse, Respondent, who asked if patient was a DNR which the daughter denied. Respondent then explained her administration of the nitroglycerin.

(j) MM began pushing RC's wheelchair so she could take him to the emergency room (ER) when she was told to wait by Respondent so Respondent could retrieve the chart. MM did not and moved her father immediately to the ER. MM explained what happened to a nurse in the ER, who opened patient's mouth and removed partially dissolved nitroglycerin. At the time patient had low blood pressure, cyanotic lips and nails, and was hypotensive.

(k) Minneola District Hospital terminated the Respondent and indicated she is not eligible for rehire. Kansas Board of Nursing investigators have attempted to contact Respondent over the incident with letters on 03/11/11 and 04/08/11, voice mail on 04/18/11 and email on 04/27/11. No response has ever been received from Respondent.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e) (1), One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;

Count 2: 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;

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:

Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612