

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

IN THE MATTER OF  
AMBER L. ELLIOTT  
License No. 23-35491-041

Case No. 12-1959-5

FILED

NOV 08 2014

KSBN

FILED DAY  
29 OCT '14 PM 2:03

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 28<sup>th</sup> day of October, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, Assistant Attorney General, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing as an LPN in Kansas through 4/30/2015 and was licensed to practice nursing at the time of the misconduct alleged in the petition. 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 arranged to appear at the prehearing by phone and was warned that the phone call may not occur until later in the morning and she should make herself available. Respondent's number was called twice and the second time a message was left by the presiding officer directing her to contact the Board. Respondent failed to answer either phone call or the petition. Respondent does not appear at prehearing today.
3. Petitioner moves for issuance of a proposed default order revoking respondent's LPN 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 nursing certificate and any license cards in his or her possession 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.**



---

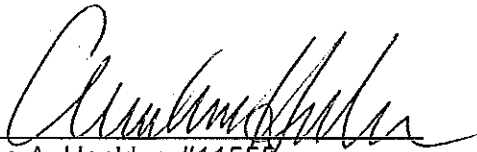
Sandra Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

#### NOTICE

Pursuant to K.S.A. 77-520(b) within seven (7) days after service of a proposed default order, the party against whom the default order was issued may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon.

Pursuant to K.S.A. 77-520(c) the proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time. The motion to vacate 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. 77-531, if the default order is served by mail, three days are added to the time limits set out above.

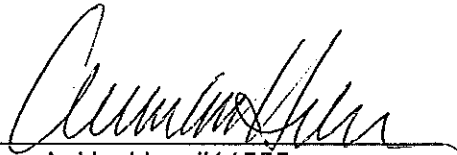


Alma A. Heckler, #11555  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 4<sup>th</sup> day of November, 2014, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Amber L. Elliot  
2510 N. Beacon Hill  
Wichita, Kansas 67220



Alma A. Heckler, #11555  
Assistant Attorney General

FILED

SEP 05 2014

KSBN

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

IN THE MATTER OF  
AMBER L. ELLIOTT  
License No. 23-35491-041

Case No. 12-1959-5

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, Amber L. Elliot, is licensed to practice nursing in Kansas through 4/30/2015. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 2510 N. Beacon Hill, Wichita, Kansas 67220.
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 referred to the Kansas Nurse Assistance Program (KNAP) by the Board on 6/13/2013. The Board received a report that the Respondent diverted oxycodone from her place of employment, College Hill Nursing and Rehab in Wichita, Kansas.

- b. Respondent signed a one (1) year extended evaluation contract with KNAP on 9/28/2013. She failed to submit to testing on 10/30/2013 and 11/21/2013. She tested positive for both morphine and hydromorphone on 11/23/2013. Respondent did not have a prescription for either controlled substance. She signed a three (3) year contract with KNAP after her positive drug screen was confirmed after review on 12/20/2013.
- c. Respondent was non-compliant with her KNAP contract. Respondent failed to submit a 12 step meeting report in December 2013. She missed urinary drug screens (UDS) on 2/4/2014 and again on 3/7/2014. Her KNAP case was closed unsuccessfully on March 11, 2014.
- d. Respondent was referred back to KNAP by the Board on March 28, 2014. She enrolled in KNAP again on 7/11/2014, in a three (3) year program. Her completion date is 7/11/2017. She agreed to follow all treatment recommendations of her therapist. On August 6, 2014, KNAP notified the Respondent and the Board that she was again in non-compliance with her most recent KNAP contract. She did not promptly follow through with the treatment recommendations of her therapist.
- e. Respondent has entered into at least two contracts with KNAP since June of 2013. She has violated the terms of all of her contracts with KNAP and was deemed not safe to practice by KNAP, until she showed compliance with recommendations of her therapist.
- f. Respondent has a history of diverting drugs, relapse on morphine and hydromorphone and it is dangerous to herself and others for her to continue to practice nursing without close monitoring.

#### VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

Count 2: 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;

Count 3: 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;

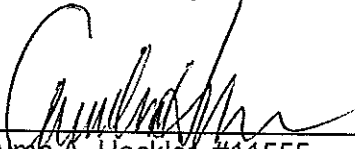
Count 4: K.S.A. 65-1120(a)(3) to have committed an act of professional incompetency as defined in K.S.A. 65-1120 (e)(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

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 at least 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