

BEFORE THE KANSAS STATE BOARD OF NURSING

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KSBN

IN THE MATTER OF  
Abby L. Stephenson  
License No. 23-37149-072

Case No. 10-1242-1 &  
10-1652-8  
OAH No. 13BN0036

**INITIAL ORDER**

Now on this 17<sup>th</sup> day of January 2013, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing (Board). Sandra L. Sharon was duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Board, appears by Assistant Attorney General Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Abby L. Stephenson, appears in person.

Findings of Fact

1. In January 2009 the Respondent self-referred to the Kansas Nurse Assistance Program (KNAP) after she was caught writing Lortab prescriptions for patients, but picking up the prescriptions for her own use.
2. The Respondent's KNAP case was closed November 11, 2010 for non-compliance with the program.
3. On or about August 9, 2010 the Respondent was charged with one count of unlawfully obtaining and distributing a prescription only drug in the Shawnee County District Court, Topeka, Kansas. The Respondent was found guilty of one count of unlawfully obtaining and distributing a prescription only drug and was sentenced to twelve months probation.
4. The Respondent was then referred to KNAP by the Board, however, KNAP failed to receive documentation it needed to outline a treatment regimen for the Respondent and closed her case a second time June 7, 2011.
5. By a Final Order and Consent Agreement of September 23, 2011 the Respondent agreed to participate in KNAP and do what was necessary to be evaluated and monitored by KNAP.
6. By a letter dated February 2, 2012 the Respondent was informed that she was in non-compliance with KNAP for failing to submit documentation of two twelve step meetings per week.
7. By a letter dated May 14, 2012 the Respondent was informed she was in non-compliance with KNAP for failing to attend two twelve step meetings per week.

8. By a letter dated July 9, 2012 the Respondent was informed she was in non-compliance with KNAP for failing to attend her monthly monitor meeting for June 2012. The Appellants KNAP case was closed by this letter dated July 9, 2012.
9. By a letter dated June 12, 2012 KNAP was informed that the Respondent had been terminated from her employment from the Shawnee County Health Agency for three reasons. These reasons included: obtaining signatures that were false on forms required to be submitted to the KNAP program; requesting a co-worker sign KNAP forms on the Respondent's behalf; and bringing alcohol onto County premises.

#### Applicable Law

1. The Board has the authority to examine license and renew license for duly qualified nurse applicants. K.S.A. 74-106 et seq.
2. The Board also has the authority to deny, revoke, limit, or suspend any license to practice nursing or application to practice nursing in the State of Kansas.
3. Reasons to deny, revoke, limit, or suspend a license to practice nursing in the State of Kansas include:
  - a. Being guilty of a felony or a misdemeanor involving an illegal drug offense. K.S.A. 65-1120(a)(2);
  - b. Participating in unprofessional conduct as defined by the rules and regulations of the Board, including:
    - Inaccurately recording, falsifying or altering any record of a patient or agency or of the Board. K.A.R. 60-3-110(d);
    - Failing to comply with any disciplinary order of the Board. K.A.R. 60-3-110(r);
    - Failing to complete the requirements of the impaired provider program of the Board. K.A.R. 60-3-110(s).

#### Discussion

1. The Respondent was found guilty of unlawfully obtaining and distributing a prescription only drug. This is a violation of the Kansas Nurse Practice Act. K.S.A. 65-1120(a)(2).
2. When the Respondent secured signatures and asked co-workers to inaccurately sign forms to be submitted to KNAP, she acted unprofessionally pursuant to K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(d).
3. When the Respondent's KNAP case was closed July 9, 2012 for non-compliance, she violated the Kansas Nurse Practice Act by acting unprofessionally and failing to comply with a disciplinary order of the Board. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(r).

4. When the Respondent's KNAP cases were closed she participated in unprofessional conduct by failing to complete the requirements of the impaired provider program of the Board. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 30-3-110(s).

#### Conclusion

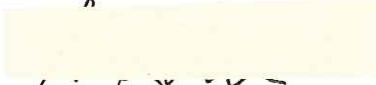
1. Due to the above identified violations of the Kansas Nurse Practice Act, the Respondent's license to practice nursing in the State of Kansas is revoked.
2. Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

#### Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. 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: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

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.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

  
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Sandra L. Sharon  
Administrative Law Judge/Presiding Officer  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, KS 66612  
Telephone: 785-296-2433

CERTIFICATE OF SERVICE

On January 30, 2013, I mailed this original document through State Building  
Mail to:

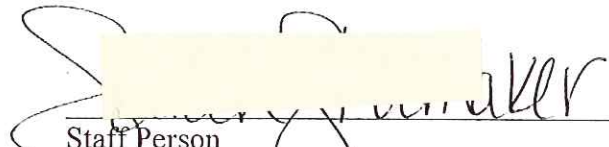
Mary Blubaugh  
Executive Administrator  
Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Alma Heckler  
Assistant Attorney General  
Disciplinary Counsel for the Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-4325

and a copy of this document through first class mail to:

Abby L. Stephenson  
3300 SW Eveningside Dr., #46  
Topeka, KS 66614

  
Staff Person  
Office of Administrative Hearings