

14BNO152
9/30

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

FILED

OCT 07 2014

IN THE MATTER OF KAYCE RAE SPELTZ AKA KAYCE R. PFIZENMAIER

KSBN

License No 23-40237-061

FILED DAK

Case No. 10-426-9 11-1793-9 AND 13-1040-9

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PROPOSED DEFAULT ORDER TO REVOKING LICENSE

NOW ON THIS 31st day of October, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Michael R. Fitzgibbons, 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 in Kansas. 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 in the State of Kansas is revoked.
6. Cost 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. 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.

8. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
9. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.



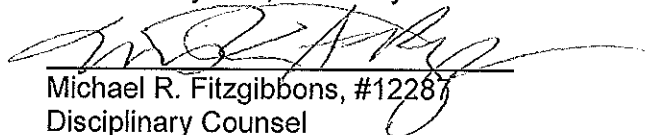
Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, 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.

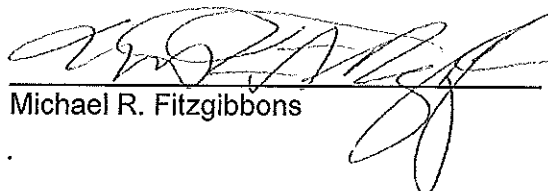


Michael R. Fitzgibbons, #12287
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 7th day of October, 2014, 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:

Kayce Rae Speltz aka Kayce Pfizenmaier
931 Huntress Street
Clay Center, KS 67432-2247



Michael R. Fitzgibbons

FILED

APR 16 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 KAYCE RAE SPELTZ AKA KAYCE R. PFIZENMAIER

License No 23-40237-061

Case No. 10-426-9 11-1793-9 AND 13-1040-9

PETITION

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

1. Respondent, Kayce Rae Speltz aka Kayce R. Pfizenmaier, is licensed to practice nursing in Kansas through June, 2015. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 931 Huntress Clay Center, Kansas 67432.
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) According to the report, it is alleged that in original application for licensure, licensee failed to disclose driver's license suspension and misdemeanor conviction.
 - (b) This incident occurred on or about the 13th of April, 2010.

- (c) According to a report, licensee repeatedly diverted controlled substance for her place of employment in the Fall of 2011 for her personal use.
- (d) Licensee repeatedly forged the signature of other nurses on the associated controlled substance records in an effort to hide the drug diversion.
- (e) Licensee diverted multiple controlled substance records from this same employer in an effort to hide the drug diversion.
- (f) Licensee repeatedly documented administration of controlled substance to resident who would not be able to communicate their need for the controlled substance.
- (g) Licensee refused a UDS at work as she knew that it would be positive for marijuana.
- (h) Licensee failed to report misdemeanor conviction for criminal trespass and criminal damage which occurred on the 14th day of August, 2012.
- (i) Licensee entered into a three year contract with KNAP on the 29th of March, 2013.
- (j) Licensee was selected for random UDS for KNAP and checked in but failed to do the Test.
- (k) Licensee missed checks ins on April 24th, April 25th, April 26th and April 29th, 2013.
- (l) Licensee was selected on the 1st day of May, 2013 for random UDS for KNAP, missed check in and failed to test.
- (m) KNAP case was closed for failure to comply on the 1st day of May, 2013.
- (n) On or about the 27th day of June, 2013, licensee submitted an on-line application for renewal and answered "no" to the question have you ever been convicted of a misdemeanor listed in K.A.R. 60-3-113 and "no" to have any license, certification or registration (nursing or other) ever been dnied, revoked, suspended, limited or disciplinary action taken by a licensing authority of any state, agency, government, territory of the US or country?

(o) KSBN had notified licensee in writing on the 20th day of May, 2010 regarding the required future reporting of this misdemeanor conviction and disciplinary/administrative actions taken against your driver's license.

(p) The investigator for KSBN contacted licensee on the 3rd day of September, 2013 and there was no response.

VIOLATIONS

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

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;

Count 3: K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program
KAR 60-3-110(s).

Count4 : K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.


Count 5: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct as defined as defined by rules and regulations of the board by violating the existing policies and procedures of the medical facility KAR 60-3-110 (t) failing to furnish the board, its investigators, or its representative with any information legally requested by the board.

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:



Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612