

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 16 2014

KSBPN

IN THE MATTER OF DAGAN MATTHEW WRIGHT

License No. 23-42892-022

Case No. 14-976-2 and 14-979-2

SUMMARY ORDER

NOW ON THIS 16th day of October, 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 proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. This Licensee is licensed to practice nursing in the State of Kansas until 29 February 2016. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 155 South Mission Ridge Colby, Kansas 67701.
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. Review of the information gathered by the Board revealed the following upon which this action is based.
 - (a) According to a report, it is alleged that while licensee was employed by Citizens Medical Center, Colby, Kansas, licensee was terminated for having a positive UDS for morphine.
 - (b) Licensee reported to work impaired and was given a UDS based on reasonable suspicion.
 - (c) Licensee admitted he did not have a prescription for this narcotic

- (d) This incident occurred on or about the 22nd day of January, 2014.
- (e) Licensee was terminated from his employment on the 22nd day of January, 2014.
- (f) Licensee was referred to KNAP on the 28th day of January, 2014.
- (g) Licensee signed an Extended Evaluation Agreement with KNAP on the 25th day of March, 2014.
- (h) Licensee had a positive UDS for Fentanyl on the 19th of May 2014.
- (i) Licensee's KNAP case was closed as unsuccessful on the 23rd day of June, 2014.
- (j) Licensee was contacted by the investigator on the 22nd of May, 2014 and 24th day of July, 2014 and failed to respond.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by diversion of narcotics which is a serious breach of the public trust and a violation of the Kansas Nurse Practice Act.

CONCLUSIONS OF LAW

- a. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- b. K.S.A. 65-1120(a)(6), unprofessional conduct, by diverting drugs, supplies or property of any patient or agency KAR 60-3-110 (n).
- c. K.S.A. 65 1120(a)(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board by violating the existing policies and procedures of the medical facility KAR 60-3-110 (n).
- d. 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).
- e. K.S.A. 65-1120 (3) to be guilty of unprofessional conduct 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.

6. 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 authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

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 diverting drugs, supplies or property of any patient or agency KAR 60-3-110 (n).

Count 3: K.S.A. 65 1120(a)(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board by violating the existing policies and procedures of the medical facility KAR 60-3-110 (n).

Count 4: 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).

Count 5: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct as defined by rules and regulations of the board by failing to furnish the board, its investigators, or its representative with any information legally requested by the board.

K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of

the summary proceedings do not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.

8 The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

POLICY STATEMENT

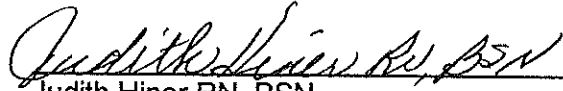
1. Truthfulness is a paramount attribute for the nursing profession and fraud and deceit in the nursing application process is a violation of the Kansas Nurse Practice Act.
2. Criminal activity and diversion of narcotics are damaging to the nurse profession and a violation of the public trust.
3. Failure to complete the Kansas Nurse Assistance Program in a violation of the Kansas Nurse Practice Act and puts patient health at risk.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. **Licensee's license is revoked.**
2. **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, the decision, which is called a Summary Order, is subject to your request for 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.

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.

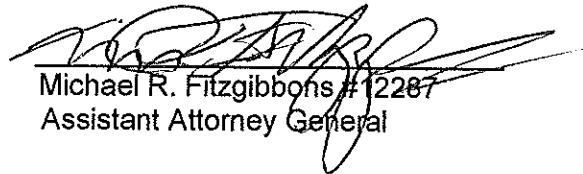


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 16th day of October, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Dagan Matthew Wright
155 South Mission Ridge
Colby, Kansas 67701



Michael R. Fitzgibbons #12287
Assistant Attorney General