

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

FILED
JUN 30 2016
KSBN JK

IN THE MATTER OF ERIN K HAMILTON

License No. 23-45548-062
Case No. 15-1739-9

EFFECTIVE AS A
FINAL ORDER
DATE: July 18, 2016

SUMMARY ORDER

Now on this 30th day of June, 2016, this matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1106 and K.S.A. 65-1120, to find facts and take disciplinary action against the Licensee, Erin K. Hamilton by way of Summary Order pursuant to K.S.A. 77-537. Upon review, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

FINDING OF FACTS

1. Licensee's address of record is 508 Arthur St. Clay Center, KS 67432.
2. Licensee is a Licensed Practical Nurse in the state of Kansas and has been licensed since June 18, 2014.
3. From December 16, 2014 to February 18, 2015, Licensee was employed by Advanced Correctional HC and was working at the Geary County Jail in Junction City, Kansas.
4. Per Geary County Sheriff's Office Affidavit, during the month of February, while Licensee was at the Geary County Jail working as an LPN, licensee obtained controlled substances, Morphine, from Officer Talbott, and sold them. Licensee told a Geary County Detective that she used her cellular phone, to send text messages to several people to ask them if they wanted Morphine. She gave some of the Morphine away and sold the Morphine two or three times. The Morphine was exchanged within the Geary County Detention Center, while Licensee was utilizing her nursing license.
5. On May 15, 2015 Licensee was arrested and subsequently charged for a DUI and minor purchasing liquor in Hutchinson, Kansas. Licensee completed diversion on the charges.

6. On July 21, 2015 a friend of the Licensee reported her to KNAP for meth use, the DUI arrest, and a pre-employment UDS.
7. On August 10, 2015, Licensee was evaluated for chemical dependency. The Licensee reported a suicide attempt by overdose on March 5, 2015 and that she used Meth once when she was 16 and again on March 4, 2015.
8. Licensee signed a contract to enter the KNAP Extended Evaluation Program for a period of one year.
9. As part of Licensee's KNAP agreement she was to check in and submit to random UDS. Licensee received three non-compliances from KNAP on September 17, 21, and 22, 2015 for failing to check in and provide UDS all three times. Per Licensee's contract with KNAP, three non-compliances would constitute closure of her case. Licensee's KNAP case was subsequently closed on September 23, 2015 for three non-compliances.
10. A K-tracs report ran on December 16, 2015 provided that Licensee was prescribed alprazolam (xanax) nine times by three different doctors during 2015 and clonazepam (klonopin) 15 times by two different doctors during 2014 and 2015.
11. Licensee was employed at Country Place in Clay Center, Kansas from November 28, 2014 until she was terminated on November 6, 2015. Employer stated that Licensee was unreliable, called in a lot prior to shifts, was distant and defensive when asked questions and had significant personal problems to work out.

APPLICABLE LAW

12. The Kansas State Board of Nursing, under the authority under K.S.A. 65-1120(a), may deny, revoke, limit, or suspend any license or authorization to practice nursing, and may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110.
13. Grounds for disciplinary action includes: to be guilty of unprofessional conduct as defined by rules and regulations of the board. K.S.A. 65-1120(a)(6). Unprofessional conduct includes

failing to complete the requirements of the impaired provider program of the board. K.A.R. 61-3-110(s).

14. Grounds for disciplinary action includes: to have committed an act of "professional incompetency" which means (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, (2) repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board, or (3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing. K.S.A. 65-1120(a)(3)&(e).

15. Grounds for disciplinary action includes: to be unable to practice with skill and safety due to current abuse of drugs or alcohol. K.S.A. 65-1120(a)(1).

CONCLUSIONS OF LAW

16. The Board has jurisdiction over the Licensee and the subject matter of this action, and such proceeding is held in the public interest.

17. The Board finds that the above facts support numerous grounds for disciplinary action under K.S.A. 65-1120; including revocation of Licensee's license to practice nursing in the state of Kansas. The grounds for discipline include, along with other bases stated above, that Licensee is guilty of unprofessional conduct by failing to complete KNAP and demonstrated professional incompetency by unlawfully obtaining and selling a controlled substance while she was on duty as an LPN.

18. Based on the facts and circumstances set forth, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board give notice and opportunity to participate to persons other than Licensee.

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

Erin K. Hamilton's license to practice nursing as a Licensed Practical Nurse in the state of Kansas is hereby Revoked and Licensee shall not practice nursing in the state of Kansas.



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

NOTICE OF RIGHTS

Pursuant to K.S.A. 77-537, this Summary Order shall become effective as a Final Order, without further notice, if no hearing is requested within fifteen (15) days of service. 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. 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.

CERTIFICATE OF SERVICE

I certify that on the 30th day of June, 2016, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Erin K. Hamilton
508 Arthur St.
Clay Center, KS 67432



Michelle David # 26982
Special Assistant Attorney General