

FILED

APR 01 2015

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF JENNIFER DENISE BANGS aka JENNIFER DENISE KUBATZKE-
BANGS**

License No. 23-97313-112

Case No. 13-104-1

SUMMARY ORDER

NOW ON THIS 1st day of April, 2015, 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 applicant's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Applicant is applying for reinstatement of her license to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant's address of record is 2600 East Trail Street Lot f1, Dodge City, Kansas 67801.
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 applicant while working at Newman Regional Health, Emporia, Kansas, faxed in multiple prescriptions for narcotics to multiple pharmacies for her own use without authorization from a provider.
 - (b) These incidents allegedly occurred between the 26th of January, 2012 through 20th day of August, 2012.

- (c) In addition, applicant failed to list all previous/current names on her reinstatement application.
 - (d) Applicant failed to disclose a criminal investigation pending.
 - (e) Applicant was charged in Lyon County, Kansas Case No. 2012 CR-000487 for unlawful obtaining a prescription drug in multiple count complaint.
 - (f) Applicant convicted of three counts on the 14th day of June, 2013.
 - (g) Applicant entered into a Diversion on the 24th day of January, 2014.
 - (h) In the Diversion Agreement, licensee agreed to enter into KNAP and stay compliant for a period six (6) months and her application for reinstatement would be approved.
 - (i) The agreement further states that if she should not stay compliant with the KNAP program for six (6) month period, her reinstatement application will be denied.
 - (j) Licensee has failed to stay compliant with the KNAP program as agreed.
5. This applicant violate the Nurse Practice Act by unprofessional conduct by fraud and deceit in practicing nursing, unable to practice due to abuse or drugs and/or alcohol and repeated violations of the impaired provider program.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.
2. Pursuant to K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing.
3. K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in criminal conduct;
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).

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

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

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

Count 2: K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing.

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

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).

2. Applicant's conduct described herein violated the Kansas Nurse Practice Act and renders the Applicant non-qualified to practice nursing in the State of Kansas.
3. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings does 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.
4. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

POLICY STATEMENT

1. Truthfulness is a hallmark of the nursing profession and is required to ensure accurate communication of all nursing actions.

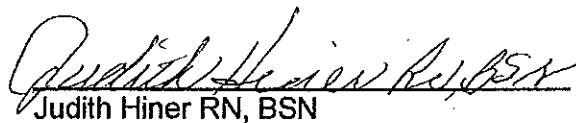
2. Trust is imperative in the nursing profession and fraud in the acquisition of/and or use and abuse of prescription medication tend to damage this trust and impair the nursing profession.
3. Participation in the Impaired Provider program assures the public that monitored nurses are safe to practice.

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

1. **Applicant's reinstatement of license to practice nursing in the state of Kansas is denied.**

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.

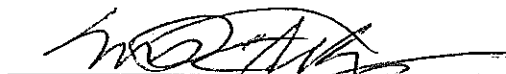


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 15 day of April, 2015, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Jennifer Denise Kubatzke-Bangs
2600 F Trail Street F1
Dodge City, Kansas 67801



Michael R. Fitzgibbons #12287
Assistant Attorney General