

BEFORE THE KANSAS STATE BOARD OF NURSING
LANDON STATE OFFICE BUILDING, 900 S.W. JACKSON #551-S
TOPEKA, KANSAS 66612-1230

Filed
OCT 29 2002
Board of Nursing

IN THE MATTER OF THE LICENSE OF
JOSIE PERRY
LICENSE NO. 24-015135-012

CASE NO. 02-185-3, 01-649-3

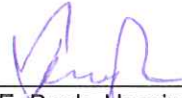
DEFAULT ORDER REVOKING LICENSE

NOW ON THIS 29th day of October, 2002, petitioner appears by disciplinary counsel, Alma Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent is licensed through 10-31-03 as an R.N. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking license.
4. The petitioner's request is granted by default.
5. Respondent violated in both cases, K.S.A. 65-1120(a)(4), unable to practice with skill and safety due to current abuse of drugs or alcohol. Respondent violated K.S.A 65-1120(a)(6) and KA.R 60-3-110, unprofessional conduct, diverting drugs or property of a patient or agency. Respondent violated K.S.A. 65-1120(e), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.
7. Costs 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.
8. Respondent shall forward original Kansas R.N. license no. 24-015135-012 immediately to the Kansas State Board of Nursing.
9. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

IT IS SO ORDERED.



Terry E. Beck, Hearing Officer

Prepared By:



Alma A. Heckler, #11555
Assistant Attorney General

NOTICE

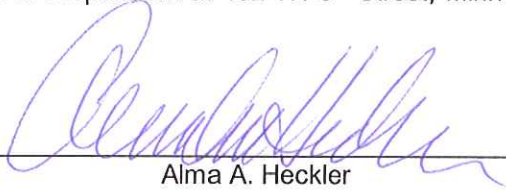
This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within ten days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.



Alma A. Heckler
Assistant Attorney General
900 S.W. Jackson, Suite #551-S
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 29th day of October, 2002, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to respondent at 402 W. 3rd Street, Minneapolis, KS 67467.



Alma A. Heckler

AAH:ir
Enclosure

Filed

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #551-S
Topeka, Kansas 66612-1230

OCT 11 2002
Board of Nursing

IN THE MATTER OF
JOSIE PERRY
LICENSE NO.24-015135-012

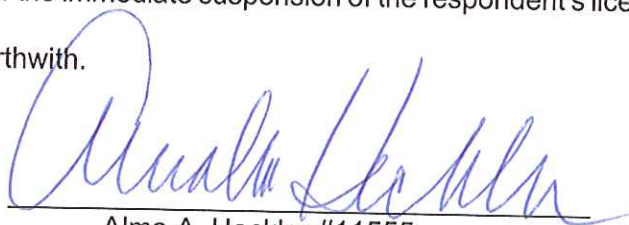
CASE 02-185-3, 01-649-3

REQUEST FOR EMERGENCY PROCEEDING

COMES NOW the petitioner, through disciplinary counsel, Alma Heckler, and requests an emergency proceeding pursuant to K.S.A. 77-536. In support of this request, counsel states that:

1. A state agency may use emergency proceedings in a situation involving an immediate danger to the public health, safety or welfare requiring immediate agency action. The agency may take only such action as is necessary to prevent or avoid the immediate danger.
2. The petition alleges repeated violations in the workplace regarding narcotics/substance abuse involving several different employers over the past year, concluding with the most recent incident of attempting to obtain prescription drugs using forged prescriptions.
3. The board alleges that the continued licensure of respondent poses an immediate danger to the public health, safety or welfare.
4. The board made an oral motion to the board's hearing officer on October 8, 2002, requesting leave to set this matter for an emergency hearing and the hearing officer has approved the modification.

THEREFORE, the board's request for the immediate suspension of the respondent's license to practice nursing shall be heard forthwith.



Alma A. Heckler #11555
Assistant Attorney General
Kansas State Board of Nursing
900 SW Jackson Ste. 551-S
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BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #551-S
Topeka, Kansas 66612-1230

OCT 11 2002
Board of Nursing

IN THE MATTER OF
JOSIE M. PERRY
LICENSE NO.24-015135-012

CASE NOS. 02-185-3
01-649-3

AMENDED PETITION

COMES NOW the petitioner, the board of nursing, by and through disciplinary counsel for the board, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice as a registered nurse in Kansas through 10/31/03.
2. Respondent's address of record is 402 W. 3rd St., Minneapolis, Kansas 67467.
3. After an investigation, the board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act and referred this matter for further proceedings.
4. The board may deny, limit, suspend, fine or revoke a nursing license or may issue a public or private censure if a violation of K.S.A. 65-1120 is established.

CASE 02-185-3

The respondent was arrested in connection with the forgery of prescription drugs prescription forms to obtain Lortab on January 15, March 2, and April 18, 2002 in Salina. The Salina Police Department was called to a Dillon's superstore in reference to a female who was attempting to obtain a prescription using a forged prescription note on 5/3/02. When the officer arrived, pharmacy staff indicated that they had contacted the doctor's name on the forged prescription and he indicated that he had not written the script. The prescription note had the name "Josie Perry" written on it and was a

prescription for Lortab 7.5 mg. dated 5/3/02. The officer contacted the respondent and her minor daughter in the waiting room. She claimed that she had received a valid prescription from the Clinic in Minneapolis, Kansas, from the doctor contacted by the pharmacy staff on 5/3/02. When the respondent was questioned further by the officer, she stated she was aware it was a false prescription and had stolen about half a pad of prescription notes from her physician's office. The same officer, after further investigation, determined that the respondent had also passed forged prescriptions for Lortab on 1/15/02, 3/2/02 and 4/18/02. When confronted with the additional proof of three more forged prescriptions, the respondent admitted to those forgeries also.

The respondent reported to the Kansas Nurses Assistance program on or about 5/17/02 that she had already taken care of the four counts of forgery and had pled guilty to one of the charges. Records received from the 28th Judicial District, Salina, Kansas, indicate that the matter is still pending and has not yet been resolved as of July 5, 2002. Additionally, the respondent was charged with eight felony counts.

Counts

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

Count 2: Respondent violated K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, unprofessional conduct – diverting drugs or property of a patient or agency.

Count 3: Respondent violated K.S.A. 65-1120(e) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

Case No. 01-649-3

The Kansas Bureau of Investigation and the Ottawa County Sheriff investigated a diversion of pain medications at Ottawa County Health center by the respondent. The respondent had been placed on Lortab by her physician and he cut her prescription by

half in June through August of 2000. The facility noted that 2000 Lortab and other medications were missing from the facility during that period. During the investigation, it was found that during the time the respondent had access to the controlled substances in the facility, that a Tylenol #3 in a blister pack had been replaced with aspirin. The morphine tubes were also tampered with. A UDS was requested and the respondent was positive for Darvocet. The respondent confessed that she replaced the morphine with an NS solution (maybe tap water) and dosed herself with the morphine while at work. The diversions of drugs occurred from 8/28/00 to 10/11/01. The respondent was referred to KNAP. Her employment was terminated. The Disciplinary Committee of the Kansas Board of Nursing recommended that the respondent follow through with KNAP. Respondent has failed to cooperate with the KNAP program and recommendations.

Counts

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

Count 2: Respondent violated K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, unprofessional conduct – diverting drugs or property of a patient or agency.

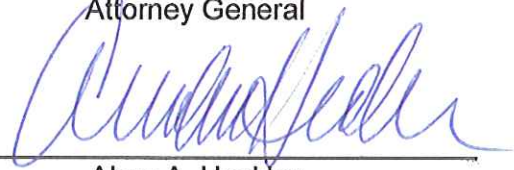
Count 3: Respondent violated K.S.A. 65-1120(e) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

WHEREFORE, petitioner requests a finding that respondent violated the nurse practice act, for immediate suspension of her license to practice at an emergency hearing, for revocation and/or sanctions against respondent's license after a full hearing, and for the \$70 costs of this action to be assessed to respondent.

Respectfully submitted,

Carla J. Stovall
Attorney General

By: _____



Alma A. Heckler
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