

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 10 2013

IN THE MATTER OF ELIZABETH MARIE OBERG

KSBN

License No. 24-36712-011

Case No. 13-101-7 AND 11-1466-7

SUMMARY ORDER

NOW ON THIS 10th day of October, 2013, 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. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 5501 W. 97th Overland Park, Kansas 66207.
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, a renewal application was submitted on the 27th day of January, 2013 reporting a new misdemeanor conviction.
 - (b) Licensee failed to submit certified/dated copies of her latest conviction.
 - (c) In addition, according to a report, it is allege that while licensee was employed by the Center for Women's Health, Overland Park, Kansas, licensee called in prescriptions for narcotics for her own personal use.

(d) It is also alleged that you falsified your renewal application or or about the 26th day of November, 2010.

(e) Licensee was terminated from employment on the 14th day of September 2011.

(f) Licensee was first admitted into the KNAP program on the 20th day of October, 2011

(g) On the 10th day of February, 2012 a UDS was positive for Amphetamines.

(h) On the 11th day of April, 2012, the KNAP case was closed for non compliance.

(i) On the 14th day of June, 2012, the Investigative Committee decided to refer you back to KNAP and a referral was made by KSBN.

(j) On the 8th day of July, 2013, the KNAP case was again closed for non compliance.

(k) Investigator made efforts to contact licensee and there were no responses.

5. This Licensee violate the Nurse Practice Act by unprofessional conduct by diversion of drugs and abuse/use of drugs and inaccurately recording and failure to take appropriate action.

CONCLUSIONS OF LAW

a. K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

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

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

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).

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.

5. 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 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

Count 2: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs and/or alcohol.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

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).

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.

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

POLICY STATEMENT

1. Failure to comply with the impaired provider program shows that this nurse is unsafe to practice after given multiple chances to comply with monitoring.
2. Accurate records are essential for good nursing practice.

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

1. **Licensee's license to practice nursing in the state of Kansas is revoked.**

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 10th day of October, 2013, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Elizabeth Marie Oberg
5501 W. 97th Street
Overland Park, Kansas 66207


Michael R. Fitzgibbons #12287
Assistant Attorney General