

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING

JUL 19 2006

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

KSBN

IN THE MATTER OF
DARLENE M. ALLEN
License No. 13-065289-072

Case No. 01-641-8, 05-108-5, 05-470-8

CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER

NOW ON THIS 16th day of July, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Licensee, Darlene M. Allen, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

AGREED FINDINGS OF FACT

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee is licensed to practice nursing in Kansas as a registered nurse through 7/31/2006. The Kansas State Board of Nursing (Board) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is 3820 SE 25th St, Topeka, KS 66605.
3. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.
4. The Board has requested that a petition be filed to take disciplinary action against the licensee's license.

5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).

6. Licensee has the right to these hearings and the right to seek review of the findings from the hearings in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Licensee is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

7. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.

8. (a) While employed as a nurse in a physician's office, the licensee fraudulently called a pharmacy for prescriptions of Propoxyphene (Darvocet) and Hydrocodone (Lortab) for herself, she used another nurses' name to call the prescription and stated it was for herself. The licensee had not been a patient of the doctor for two years. From about 4/28/2001 - 10/11/2001 the licensee admitted to fraudulently calling the pharmacy for prescriptions for Darvocet for her own personal use. She received 51 prescriptions of Darvocet including refills, each prescription was for 40-50 tablets. From 6/10/2001 - 8/28/2001 the licensee admitted to fraudulently calling the pharmacy for prescriptions for 4 prescriptions of Hydrocodone (Lortab).

(b) To resolve the case, the licensee referred herself to the Kansas Nurses Assistance Program on 10/18/2001. At that time she had a diagnosis of opioid dependency and chronic depression.

(c) The licensee was compliant with the KNAP program until she began to skip urine drug screens, she missed UDS's in June, July, and August 2004.

(d) The licensee was noncompliant with KNAP by failing to report her employment in June 2004 with Specialty Select Hospital, Topeka, Kansas. She also failed to notify this employer of her KNAP program, as required.

(e) Licensee had a positive UDS for alcohol on 9/17/2004.

(f) KNAP has notified the board through counsel on 1/24/2005 that licensee is currently compliant with the KNAP program and is safe to practice nursing.

(g) After the Consent Agreement of 2/28/05 was signed a proceeding was held by the board to lift the stay and suspend the license. An agreed Order to Temporarily Suspend license for one day was issued 8/1/2005. This was as a result of 2 positive alcohols in March and then May 2005. They were very low levels, resulting in a discipline and temporary suspension.

(h) The board was notified by KNAP that the licensee had violated her key restriction on or about 4/3/2005. She describes that while employed as a nurse at Lakeview Manor, Lawrence, Kansas she had gotten narcotic keys from a staff person and gone inside the medication room for an IV bag of antibiotics. Due to the key restriction of KNAP, this was a violation, because narcotics were stored in the medication room.

(i) On 11/15/2005 the licensee entered a consent agreement with the board wherein she agreed to enter the KNAP program and follow its recommendations and requirements. In a letter dated 5/18/2006, KNAP advised that they had reviewed the licensee's positive ETG screen of 4/18/2006. KNAP advised that due to repeated positive ETG screens and the licensee's assertion that she was not drinking, they were recommending an inpatient evaluation. KNAP further advised that if the licensee did not follow the recommendations they would close licensee's case and refer the matter back to the Board for further action.

(j) On or about 5/31/2006 the licensee notified the Board that she wished to surrender her license to practice nursing in Kansas.

CONCLUSIONS OF LAW

9. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and

levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

10. Respondent has violated the Kansas Nurse Practice Act as follows:

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

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

K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (s) failing to complete the requirements of the impaired provider program of the board.

POLICY STATEMENT

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

DISPOSITION

12. Licensee is surrendering licensee's license to practice nursing in Kansas. *The Respondent's license is revoked. TTB*

13. Upon signing this agreement and returning it to the Board, licensee shall return licensee's license card with the agreement. Licensee shall not practice nursing in Kansas.

14. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document shall be kept in the Board's agency file and its contents may be disclosed to the public upon request.

15. If licensee does seek reinstatement of licensee's license, the agreed facts are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

16. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER.

IT IS SO ORDERED.

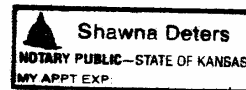
Darlene M. Allen must sign before a Notary Public.

Darlene M. Allen
Licensee
3820 SE 25th St
Topeka, KS 66605

State of Kansas, County of Shawnee ss.

SUBSCRIBED AND SWORN TO before, me by Darlene M. Allen

on this 27 day of June, 2006.



Signature of Notary Public _____ My Commission Expires 4-12-2010
(Notary Public Seal)

Mark A. Knight, #12183
Assistant Attorney General
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230

Terry E. Beck, Presiding Officer

CERTIFICATE OF SERVICE

On the 19th day of June, 2006, I mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Dariene M. Allen
3820 SE 25th St
Topeka, KS 66605

Mark A. Knight, #12183
Assistant Attorney General
