

FILED
SEP 13 2006

BEFORE THE KANSAS STATE BOARD OF NURSING

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

KSBN

IN THE MATTER OF
JENNIFER A. ALLEN
License No. 13-080432-081

Case No. 02-581-0

INITIAL ORDER

NOW ON THIS 6th day of September, 2006, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing, Terry E. Beck, duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General, Mark A. Knight. The respondent, Jennifer A. Allen, appears by telephone. After a hearing the presiding officer makes the following findings of fact and orders:

FINDINGS OF FACT

1. The respondent knowingly and voluntarily, without any threats or promises having been made, admits that the facts and allegations contained in the Petition and set forth below are true.
 2. The Hearing Officer finds that the allegations as stated in the petition are true.
 3. Respondent is licensed to practice nursing in Kansas through 8/31/2007. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
 4. Respondent's address of record is 5329 Woodland, Shawnee, KS 66217.
 5. On or about 9/12/2002 while employed as a home health nurse for EverCare Home Health, Kansas City, Missouri the respondent stole Lortab pills from a home health patient Ms. ER for the respondent's personal use. She did not document the patient's chart with the number of pills diverted, resulting in fraud in nursing and inaccurate recording.
 6. On or about 10/10/2002 the respondent stole 22 Lortabs again from the same patient for her personal use. She did not document the patient's chart with the number of pills diverted,
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resulting in fraud in nursing and inaccurate recording. When the respondent was interviewed by her clinical supervisor in regards to this matter the respondent resigned.

7. On 5/16/2003 The Board referred respondent to the KNAP program to resolve this case.
8. On 7/31/2003 the Board received a letter from the respondent stating that she was compliant with KNAP and admitting to having had treatment for addiction to Lortab.
9. On 5/4/2004 the Board was notified by KNAP that the respondent's case was closed due to noncompliance. Respondent had failed to provide UDS's, missed monitoring meetings, and had not attended 12 step meetings.
10. KNAP reported on 9/11/05 that licensee has completed an evaluation and is enrolling in the 3 year KNAP program.
11. On 5/31/06 KNAP reported that the respondent was non-compliant with KNAP program. KNAP advised further that respondent's case with KNAP was closed due to non-compliance.

CONCLUSIONS OF LAW

12. The respondent has violated the following sections of the Kansas Nurse Practice Act:
 - (a) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (n), diverting drugs, supplies, or property of any patient or agency.
 - (b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.
 - (c) K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.
 - (d) K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.
 - (e) 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

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

DISPOSITION

14. The Hearing Officer finds that the respondent's license to practice as a Registered Nurse in the state of Kansas is immediately suspended. The suspension is to remain in effect thru the current licensure period and until the respondent completes the Kansas Nurses Assistance Program (KNAP).
15. The respondent is to enter into and complete the KNAP program.
16. Costs of the action of \$70.00 are assessed to the respondent.
17. The suspension of respondent's license to practice as a Registered Nurse in the state of Kansas will be stayed when KNAP provides written notification to the Board of Nursing that the respondent has entered the KNAP program and when the assessed cost of the action have been paid in full.
18. Respondent is to remain compliant with the KNAP program until respondent has completed the KNAP program. A finding of non-compliance with the KNAP program will result in the stay of suspension being lifted.
19. Disciplinary counsel shall mail a copy of this order to the respondent's last known address.

IT IS SO ORDERED.

Terry E. Beck, Hearing Officer

Appeal Rights and Other Administrative Relief

The procedures available and time limitations for seeking review or other relief as follows: Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send your request to:

Mary Blubaugh, Executive Director, Board of Nursing
Landon State Office Building
Suite 1051, 900 SW Jackson
Topeka, KS 66612-1230

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

