FILED
MAY 13 2022
KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

IN THE MATTER OF
DEANNA S MORGENSTERN
f/k/a Deanna S Lantz

License No. 23-32404-051
KSBN Case No. 18-1965-3

SUMMARY ORDER

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 proposes to find facts and take disciplinary action against the nurse license of Deanna S Morgenstern, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

1. Licensee is licensed to practice nursing in the state of Kansas. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board and the courts and the laws of the party state in which the client is located at the time the service is provided. The Board has jurisdiction over the Licensee and the subject matter of this action.

2. Licensee's address of record is 216 North Russell Ave., Lucas, KS 67648.

3. The role of the Board is to protect citizens of Kansas.

4. Pursuant to K.S.A. 65-1120(a), the Board 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 this act or may publicly or privately censure such person if certain enumerated grounds for disciplinary action are found. These grounds include various specific charges enumerated in K.S.A. 65-1120(a)(1) to (9), to include unprofessional conduct as defined by the ruled and regulations of the Board.

5. Pursuant to Article V of K.S.A. 65-1166, the Board may take adverse action against a nurse's privilege to practice within the state of Kansas.

6. Pursuant to Article V of K.S.A. 65-1166, the privilege to practice in other jurisdictions, granted by a Kansas multistate license, is deactivated during the pendency of a disciplinary order.

7. Pursuant to K.S.A. 65-1166, the privilege to practice in other jurisdictions, granted by a Kansas multistate license, is deactivated if the Licensee is enrolled in an alternative program, including KNAP.

8. Pursuant to K.S.A. 74-1110 the Board may also assess a civil fine not to exceed $1,000.00 for the first violation of a law or rule and regulation applicable to the practice for which such person has been granted a license.

9. After an investigation, the Board's investigative committee found reasonable grounds to believe that the licensee violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.

10. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

FINDINGS OF FACT

11. On or about August 22, 2003, the Board issued Licensee a license to practice nursing in the State of Kansas.

12. On or about December 16, 2018, Licensee provided the facility's medication to a co-worker. Licensee removed the medication from the facility's medication cart and removed the medication that belonged to a patient. The co-worker later returned the medication and Licensee taped the pills back in the pack.

13. On or about December 21, 2018, Licensee was terminated.

VIOLATIONS

14. The above fact findings establish evidence that the Licensee violated the following provisions of the Kansas Nurse Practice Act:

Count 1: **K.S.A. 65-1120(a)(7) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.**

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

1. Within 90-days of this order taking effect, Licensee shall provide the Board with certificates of completion for the following CNEs:

    a. Legal Issues in Nursing (3-6 hours);
    b. Ethics in Nursing (3-6 hours);
    c. Professional Accountability (3-6 hours);and
    d. The Kansas Nurse Practice Act (2 hours).

NOTICE OF ADMINISTRATIVE RELIEF

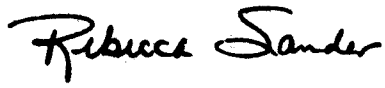
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must mail or hand-deliver a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. Hand delivered requests for hearing must be delivered to the Kansas State Board of Nursing no later than 3:30 p.m. CST on or before the deadline for the request for hearing. **THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER.** The date of this order shall be the date noted on the Certificate of Service. 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.

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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.

NOTICE OF JUDICIAL RELIEF

If a request for hearing is not filed as stated above, then pursuant to K.S.A. 77-613 a party may file, within 30 days from the date of the Certificate of Service below, a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 601 et seq. The designee who may receive service of a petition for judicial review is:

Carol Moreland, Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, Room 1051
Topeka KS 66612

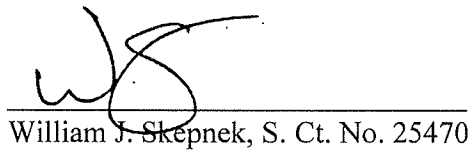


Rebecca Sander. MSN RN
Investigative Committee Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 13th day of May 2022, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Deanna S Morgenstern
216 North Russell Ave.
Lucas, KS 67648



William J. Skepnek, S. Ct. No. 25470
Assistant Attorney General