

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051

Topeka, Kansas 66612-1230

**IN THE MATTER OF
TARA ANN HUERTA
f/k/a Tara Ann Foster**

License No. 13-136981-071**KSBN Case No. 2020-291-7****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 Tara Ann Huerta, (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 107 Bradley Ct., Tonganoxie, KS 66086.
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 rules 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 10, 2016, the Board issued Licensee a license to practice nursing in the State of Kansas.
12. The facility's policies and procedures require that all controlled substance waste requires an authorized witness and that the waste must occur in the presence of that witness. (p. 90)
13. The facility's policies and procedures require a person administering medication verify that the medication is being administered to the correct patient, at the proper time, in the prescribed dose, and by the correct route. (p. 86)

Patient #1

14. On or about February 19, 2020, and February 20, 2020, Licensee was assigned a patient (Pt. 1). Pt. 1 was an 87-year-old female who was admitted on February 17, 2020, for rectal mass and who underwent biopsy of rectal tumor before being discharged on February 21, 2020.
15. Pt. 1 was prescribed fentanyl IV PRN for breakthrough pain and LORTAB 5/325 PRN for sever pain by the attending physician, Dr. Ellison.
16. On or about February 19, 2020, when Licensee began her shift, Licensee attempted to contact Dr. Castle and Dr. Ludwig to request that they prescribe Dilaudid for pain. Licensee did not attempt to contact Dr. Ellison, the attending physician.

17. On or about February 19, 2020, at 2203, Licensee entered an order for Dilaudid, 4-hours PRN. Licensee documented that the order was made by Dr. Ludwig by telephone and then the orders were altered by Dr. Castle. Licensee documented that the order for Dilaudid was discontinued by the pharmacy on February 19, 2020, at 2326.
18. Between 19:50 on February 19, 2020, and 5:58 on February 20, 2020, Licensee administered four (4) doses of Fentanyl, five (5) doses of Dilaudid, and one (1) dose of Lortab.
19. Pt. 1 stated she did not ask for high levels of medication and that she was only in pain from 2300-0000.
20. Licensee wasted medications without a witness being physically present.
21. Licensee pulled Pt. 1's PRN medication prior to performing pain evaluations to show that the administration of PRN medication was appropriate.

Patient #2

22. On or about February 19, 2020, and February 20, 2020, Licensee was assigned a patient (Pt. 2). Pt. 2 was a 73-year-old female admitted on February 19, 2020, for colostomy takedown before she was discharged on February 26, 2020.
23. Licensee was prescribed Percocet, PRN, for moderate and severe pain and Morphine Sulfate, PRN, for pain. The Morphine was indicated to be the first choice for pain control.
24. Licensee cared for Pt. 2 on February 19, 2020, February 20, 2020, and February 21, 2020. On or about February 19, 2020, at 2328, Licensee documented a telephone order for Dilaudid from Dr. Castle.
25. During Licensee's shift during the night of February 19, 2020, and the morning of February 20, 2020, Licensee administered one dose of Percocet and one dose of Morphine. Licensee documented that Pt. 2's pain was a 7 out of 10. Licensee did administer any Percocet or Morphine to Pt. 2 for the remainder of her shift, however, Licensee did administer Pt. 2 Dilaudid four times before her shift ended on the morning of February 20, 2020.
26. Licensee failed to follow orders during her shift from the night of February 20, 2020, and during the morning of February 21, 2020, when Licensee administered 5-doses of Dilaudid without first attempting to control Pt. 2's pain with Percocet and Morphine.

Patient #3

27. On or about the evening of March 2, 2020, and the morning of March 3, 2020, Licensee was assigned a patient (Pt. 3).

28. During shift, Licensee documented that she administered LORTAB to a patient on March 2, 2020, at 2008, and on March 3, 2020, at 0543.
29. On or about March 3, 2020, at 0815, Pt. 3 asked the nurse who was assigned to care for Pt. 3 following Licensee's shift if she could have her pain medication. Pt. 3 was told that because the documentation showed that Pt. 3 was administered a LORTAB on March 3, 2020, at 0543, she would need to wait 6-hours for her next dose. Pt. 3 denied being given any medication other than a Synthroid.
30. Following the complaint made by Pt. 3 on the morning of March 3, 2020, the facility asked Licensee to participate in a drug screen. Licensee refused to participate in the drug screen triggering her immediate voluntary termination from the facility.

VIOLATIONS

31. 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)(4), to have committed an act of professional incompetency. (e) *Professional incompetency defined.* As used in this section, "professional incompetency" means: (1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board; (2) repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board.
- Count 2:** 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.
- Count 3:** 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: inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.
- Count 4:** 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: performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

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

1. Licensee's license is **SUSPENDED**. Licensee's suspension shall last until Licensee provides verification to the Board that she has complied with all KNAP recommendations. Licensee's suspension will take effect after the deadline to request a hearing has expired.
2. Licensee shall participate in a drug and alcohol evaluation with KNAP and follow all recommendations

NOTICE OF ADMINISTRATIVE RELIEF

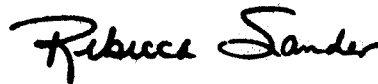
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must mail or hand-deliver a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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

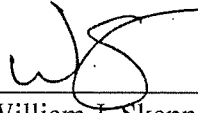


Rebecca Sander, MSN RN
Investigative Committee Chair
Kansas State Board of Nursing

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:

Tara A. Huerta
107 Bradley Ct.
Tonganoxie, KS 66086

A handwritten signature in black ink, appearing to be 'WS', written over a horizontal line.

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