

Filed
JUL 21 2004
Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF
REBECCA NEWMAN
LICENSE NO. 13-032873-031

CASE NO. 03-733-4

CONSENT AGREEMENT TO SUSPEND LICENSE AND FINAL ORDER

NOW ON THIS 15th day of July, 2004, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Rebecca Newman, enter into the following agreement:

1. Respondent is licensed to practice nursing through 3/31/05.
2. After an investigation, the Board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act and referred this matter for further proceedings.
3. Respondent has the right to a hearing with evidence and witnesses to establish evidence of his/her fitness to practice nursing and to seek review of the findings from that hearing in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Respondent and the Kansas State Board of Nursing are waiving those rights and voluntarily entering into this consent agreement instead of proceeding to such a hearing.

AGREED FINDINGS OF FACT

4. The respondent has a long history with the Board of drug and alcohol problems. She has five previous cases with the board, Case 79-0509-4, for drug diversion/addiction. Her license was suspended for six months. Case 81-059-5 for drug diversion/addiction, her license was revoked 4/29/81, then reinstated 2/25/82. Case 84-338-4 drug/alcohol abuse misdemeanor conviction/drugs., Case 97-074-4 drug diversion stipulation agreement. Completed agreement [REDACTED]. Case 99-050-4 her license was reinstated from suspension.

5.

[REDACTED]

CONCLUSIONS OF LAW

6. Respondent has violated K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board and K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs.

POLICY STATEMENT

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

DISPOSITION

8. By entering into this Consent Agreement and consenting to the entry of the Final Order, both parties waive their right to full administrative proceedings pursuant to K.S.A. 65-1120(b) and K.S.A.77-501 *et seq.* and to judicial review.

9. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the current license will be immediately **suspended**.

10. Licensee shall participate in and complete the recommendations and requirements of the **Kansas Nurses Assistance Program (KNAP)**; sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report information to the board.

11. The costs of this action will be waived.

12. Licensee is responsible for the costs related to satisfying these conditions.

13. If licensee does not meet these requirements, petitioner may request additional sanctions against licensee's license or application for a license. Licensee would be sent notice of such action and would be entitled to a hearing as to whether he/she had complied with this agreement, but he/she could not contest the established violation(s). 148. **Licensee agrees

to notify the Legal Division of any changes in his address and phone number as well as all nursing employment terminations or employer changes or additions. All such notifications shall be made within fourteen (14) days of such a change.

14. Licensee shall immediately notify the Legal Division of any use of alcohol, or controlled substances, or any violation of this Consent Agreement and Final Order.

15. The Board will inactivate this case file when KNAP sends a letter stating respondent has successfully completed the KNAP program. This agreement does not prohibit the agency from taking disciplinary action against licensee's license for any additional or cumulative violation of the Nurse Practice Act committed by the licensee before or after this agreement is entered into.

16. The parties understand and acknowledge that this is a disciplinary action; it will be in the newsletter and on the website. The original of this agreement shall be placed in the Agency Record and is a public record.

17. By signing this Consent Agreement, respondent acknowledges that licensee has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement constitutes the entire agreement of the parties and may not be modified except in writing and approved by all parties.

IN CONCLUSION

18. This case will be inactivated and a card **with no suspension** will be issued when:

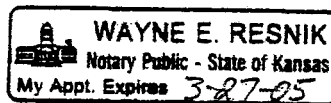
- a) KNAP issues a letter of successful completion of the KNAP program.
- b) The licensee may request a STAY OF SUSPENSION, so that she can practice nursing by sending a letter to the legal department with a written statement that ^{She} ~~he~~ is safe to practice nursing from her doctor or treater, **and** a letter from KNAP stating she has had a three month period of compliance.

c) The suspension will continue through renewals until the KNAP program is completed.

19. Once the KNAP program is successfully completed, the licensee may request that an unencumbered license be issued by sending the request in writing and returning the license card with the "S" to the Board; if all requirements are met a new card will be issued with no restrictions.

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

Rebecca Newman
Licensee
1708 E. 8th
Newton, KS 67114



State of Kansas)
County of Harvey)

SS

Subscribed to before me by Rebecca Newman on July 15th, 2004.
(seal)

Signature of Notary Public

Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-7047

IT IS SO ORDERED.

Terry Beck
Hearing Officer

CERTIFICATE OF SERVICE

On the ^{32nd} day of July, 2004, I caused a copy of this document to be mailed, postage prepaid, to:

Rebecca Newman
1708 E. 8th
Newton, KS 67114

Betty Wright, Assistant Attorney General