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MAY 12 2006

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
SANDRA K. CUNNINGHAM
License No. 13-33781-022**

Case No. 04-756-4

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 12th day of May, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Sandra K. Cunningham, 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

1. On or about 2/27/06 Respondent submitted an application to renew her Kansas nursing license. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 211 1/2 W. 2nd, Medicine Lodge, KS 67104.
3. The Respondent understands that pursuant to K.S.A. 77-515, Respondent may be represented at Respondent's expense by, an attorney during these proceedings.
4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
5. 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.
6. On 7/8/2004 while employed as a nurse at Pratt Regional Medical Center, Pratt, Kansas, the Respondent tested positive for alcohol. Respondent was reported to have alcohol on her

breath at work. On 7/22/2004 the Respondent reported for a counseling session. Respondent was tested and again tested positive for alcohol. [REDACTED]

[REDACTED] Respondent had been employed at Pratt Regional Medical Center since 1990. Pratt Regional Medical Center terminated Respondent on 11/15/2004 [REDACTED]

[REDACTED]

On 8/17/2005 a Petition was filed alleging the following violations of the Kansas Nurse Practice Act: 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.

On 8/28/2005 a default order suspending Respondent's license was entered. Terry Arkin, Program Director for Life Outreach Center, submitted a letter to the Kansas State Board of Nursing dated 10/24/2005. The letter advised that Life Outreach Center was a 12-18 month residential drug and alcohol recovery center. The letter stated Respondent was a resident at Life Outreach Center since August of 2005.

On or about 11/28/2005 Respondent requested a referral to KNAP. [REDACTED]

[REDACTED]

[REDACTED] Respondent's license was set to lapse on 2/28/2006. Respondent submitted an application to the Board for renewal as a registered nurse in the State of Kansas on 2/27/2006.

7. The above incidents are violations of the nurse practice act. The respondent agrees that the board is prepared to prove that he or she has violated: 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.

8. Respondent has the right to a hearing with evidence and witnesses 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 is waiving those rights and voluntarily entering into this agreement instead of proceeding to such a hearing.

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:

Count 1: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

Count 2: 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. 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.

13. 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 renewed and immediately suspended. Said suspension shall be in effect until such time as KNAP issues a letter stating respondent is safe to practice nursing. A card will be issued with an "S" indicating a suspended license. The Respondent will be allowed to practice under the following conditions:

(a) Respondent shall participate in and complete all the recommendations and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor Respondent and for KNAP to report information to the board. Respondent will be deemed to have completed the KNAP program when KNAP issues a letter stating the respondent has successfully completed the KNAP program.

(b) Respondent must submit to random drug screens as determined or selected by the Board or by KNAP. The costs of the drug screens will be paid by the respondent.

(c) Respondent agrees that a drug screen that is positive for alcohol or drugs is a violation of this consent agreement.

(d) Respondent shall immediately notify the Legal Division of any use of alcohol, if prohibited by KNAP, or controlled substances, or any violation of this Consent Agreement and Final Order.

(e) Respondent agrees to notify the Legal Division of any changes in respondent's 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.

(f) The Respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order.

(g) Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the costs of this action.

(h) Respondent is responsible for the costs related to satisfying these conditions.

(i) After KNAP issues a letter stating respondent is safe to practice nursing, respondent may request that the suspension of her license be stayed. Respondent's request shall include a copy of the KNAP letter stating the respondent is safe to practice nursing. With the KNAP safe to practice letter, and if the respondent is compliant with all other terms of this agreement, the suspension of her license will be stayed.

(j) Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.

(k) Respondent shall not violate the laws of the United States, of State, or of any political subdivision of any State during the term of this agreement. Traffic infractions shall not be considered violations of the law.

14. If Respondent does not meet these requirements, then Kansas State Board of Nursing may request additional sanctions against Respondent's license or application for a license. Respondent would be sent notice of such action and would be entitled to a hearing as to whether she had complied with this agreement, but she could not contest the violations listed in this agreement.

15. This agreement is a contract entered into by the parties to resolve a license renewal case. The original of this agreement shall be placed in the Agency Record and is a public record.

16. By signing this Consent Agreement, respondent acknowledges that he/she 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.

17. After successful completion of all of the requirements of this Consent Agreement by the respondent, the Consent Agreement will be satisfied and the case will be inactivated.

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

IT IS SO ORDERED.

Sandra K. Cunningham must sign before a Notary Public.

Sandra K. Cunningham
Respondent
211 1/2 W. 2nd
Medicine Lodge, KS 67104

State of Kansas, County of Barber ss.

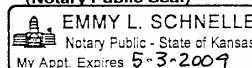
SUBSCRIBED AND SWORN TO before, me by Sandra K. Cunningham

on this 5th day of May, 2006.

Signature of Notary Public

My Commission Expires 5-3-2009

(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, Hearing Officer

CERTIFICATE OF SERVICE

On the 12th day of May, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Sandra K. Cunningham
211 1/2 W. 2nd
Medicine Lodge, KS 67104

Mark A. Knight, #12183
Assistant Attorney General