

FILED

MAY 18 2006

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

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

Office of

MAY 16 2006

Administrative Hearings

IN THE MATTER OF
JOANN M. LUEDKE
License No. 13-035048-021
ARNP License No. 53-44431-0221

Case No. 04-768-5
OAH No. 06BN0013

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 16th day of May, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Joann M. Luedke, 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. In February of 2003, Respondent's licenses were inactivated per respondent's request. In May of 2005, Respondent submitted an application to the Kansas State Board of Nursing (KSBN) for reinstatement of her Kansas Registered Nurse license and Kansas Advanced Registered Nurse Practitioner license. On April 4, 2006 the KSBN issued a Summary Denial of Respondent's application. The Respondent filed a timely appeal. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 18475 W 152nd Terr #418, Olathe, KS 66062.
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 or about February 28, 2003, Respondent's licenses were inactivated per Respondent's request to the Kansas State Board of Nursing.

The Respondent was a resident at Good Samaritan Center/Atwood from on or about February 20, 2004 through on or about September 17, 2004. While there Respondent was receiving prescribed Morphine per a CADD pump. Respondent had been on a Morphine pump since early 2000. In mid September of 2004, the staff at the Good Samaritan Center/Atwood suspected infusion pump malfunction because the Respondent was going through her CADD pump Morphine cassettes at an accelerated rate. When the Good Samaritan Center/Atwood staff advised Respondent that they were going to submit her CADD pump for repairs or replacement, Respondent admitted that she had been circumventing the pump in order to give herself large unordered boluses of Morphine. Respondent was then admitted to Decatur County Hospital where the Morphine boluses were replaced with continuous Morphine drip at a reduced dosage. Respondent was then transferred to Shawnee Mission Medical Center for detox.

On or about June 27, 2005, Respondent provided a statement in which she advised that she did bypass the CADD pump settings to increase the dose of Morphine she was receiving via the CADD pump.

[REDACTED]

[REDACTED]

In November of 2005, Respondent obtained a physical evaluation and was deemed safe to return to nursing practice.

[REDACTED]

The Respondent provided information that the last time she was employed as a nurse was in early 1999.

On or about May 23, 2005, Respondent submitted an application to the Kansas State Board of Nursing for reinstatement of her Kansas Registered Nurse license and Kansas Advanced Registered Nurse Practitioner license. On April 4, 2006 the KSBN issued a Summary Denial of Respondent's application.

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.

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.

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 this Consent Agreement will continue through any renewal periods of respondent's nursing licenses until respondent completes each the following conditions and requirements of this agreement:

(a) Upon the Parties entering into this Consent Agreement and with the respondent having met all statutory requirements for reinstatement of her Kansas Nursing licenses, **the respondent's application for reinstatement of her Kansas Nursing licenses will be granted. Respondent shall receive license cards which shall be issued with an "L" indicating the limitations on the practice.**

(b) Respondent will **participate in and complete the reasonable 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 written notification that respondent has completed the program. Noncompliance with KNAP is a violation of this agreement.

(c) Respondent shall have a **narcotic key restriction on her licenses.** The narcotic key restriction prohibits the Respondent from passing of narcotics, wasting of narcotics, prescribing any medications. The narcotic key restriction shall remain in place until such time that the Kansas Nurses Assistance Program (KNAP) issues a written statement to the Kansas State Board of Nursing stating the respondent is safe to practice without said narcotic key

restrictions on her licenses. With a safe to practice without a narcotic key restriction, and the Respondent is compliant with all other terms of this agreement, the narcotic key restriction will be removed from her licenses and she will be issued license cards with no limitations on the practice.

(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 for cost of this action.

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

(i) 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.

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

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 denial of reinstatement 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.

Joann M. Luedke must sign before a Notary Public.

Joann M. Luedke
Respondent
18475 W 152nd Terr #418
Olathe, KS 66062

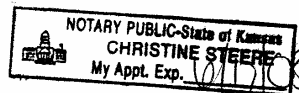
State of Kansas, County of Johnson ss.

SUBSCRIBED AND SWORN TO before, me by Joann M. Luedke

on this 10 day of May, 2006.

Signature of Notary Public

My Commission Expires 6/17/08
(Notary Public Seal)



Mark A. Knight, #12183
Assistant Attorney General
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230

Sandra L. Sharon, Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On the 18th day of May, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Joann M. Luedke
18475 W 152nd Terr #418
Olathe, KS 66062

Mark A. Knight, #12183
Assistant Attorney General