

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 13 2006

KSBN

**IN THE MATTER OF
DANIEL J. OHL
License No. 13-044983-041**

Case No. 05-671-6

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 10th day of ^{October}~~September~~, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Licensee, Daniel J. Ohl, 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. Licensee is licensed to practice nursing in Kansas through 4/30/2007. The Kansas State Board of Nursing (Board) has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 13 Taylor Rd, Augusta, KS 67010.
3. The Licensee understands that pursuant to K.S.A. 77-515, Licensee may be represented at Licensee's expense by, an attorney during these proceedings.
4. 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.
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. (a) While licensee was employed at Via Christi Regional Medical Center in Wichita, Kansas, licensee used Via Christi's computer to Google and visit pornographic sites. This incident occurred on or about May of 2005.

7. The above incidents are violations of the nurse practice act. The Licensee agrees that the board is prepared to prove that Licensee has violated:
K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.
8. Licensee 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. Licensee 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. Licensee has violated the Kansas Nurse Practice Act as follows:
Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

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 Licensee's nursing license until Licensee completes each the following conditions and requirements of this agreement:

(a) **Licensee shall receive a license card which shall be issued with an "L" placed in the status code portion of the license card to indicate that the license is limited.**

(b) **Licensee shall not seek or accept employment in Pediatric nursing positions or with children for a period of one year from the date of this agreement.**

(c) **Licensee shall immediately notify the Legal Division of any use of any violation of this Consent Agreement and Final Order.**

(d) **The Licensee shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order.**

(e) **Licensee shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.**

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

(g) **Licensee 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.

(h) **The Licensee will complete thirty (30) hours of Continuing Nurses Education (CNE) on the topic of "Current Nursing Practice."** Licensee is to submit the original certificates for proof of the completion of the hours by December 1, 2006. **Licensee may not use these hours to meet the CNE requirements of any renewal period.**

(i) **The Licensee will complete three (3) hours of Continuing Nurses Education (CNE) on the topic of "Ethics in Nursing."** Licensee is to submit the original certificates for

proof of the completion of the hours by **December 1, 2006**. Licensee may not use these hours to meet the CNE requirements of any renewal period.

(j) Licensee will **Submit Reports from the Licensee's employer to the attention of the Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 1051, Topeka, Kansas 66612-1230 on the following schedule:** Prior to Licensee securing employment that utilizes Licensee's nursing license, Licensee is to mail to the Kansas State Board of Nursing a statement indicating that Licensee has not yet secured employment which utilizes Licensee's nursing license. This statement is due by the 10th day of each month beginning the next month after signing this consent agreement.

Once Licensee is employed in a position that utilizes Licensee's nursing license, or if Licensee is currently employed in a position that utilizes Licensee's nursing license, a nursing performance report is due by the 10th day of every third month until Licensee has caused the submission of four (4) separate nursing performance reports. The report shall be prepared and signed by Licensee's immediate supervisor or by an R.N. who evaluates Licensee's performance on a regular basis and be based on the following guidelines:

1. Incorporation of information on facility letterhead stationary is preferred.
2. Letter format is acceptable, with the date of the report identified.
3. Evaluator's name, telephone number, address, license number and nursing credentials.
4. Licensee's name, address, telephone number, license number.
5. A short explanation of the Licensee's work performance in the following areas.
 - a. Standards met regarding facility policies and procedures.
 - b. Compliance with the Kansas Nurse Practice Act.
 - c. Supervisor evaluations.
 - d. Overall appropriateness.

- e. Interactions with patients.
- f. Interactions with staff and administration.

(k) Licensee agrees to **notify the Legal Division of any changes in address and phone number as well as all employment terminations or employer changes or additions.**

All such notifications shall be made in writing within fourteen (14) days of such a change.

14. Licensee is responsible for the costs related to satisfying these conditions and requirements.

15. If Licensee does not meet these requirements, the Kansas State Board of Nursing 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 Licensee had complied with this agreement, but Licensee could not contest the violations listed in this agreement. All parties understand that if an action based on failure to meet the requirements of the agreement is filed, the Notice of Hearing will be mailed directly to the Licensee. It is the Licensee's responsibility to contact his or her attorney, if any, in reference to the action.

16. The Board will inactivate this case file once Licensee satisfies this agreement. 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.

17. This agreement is a contract entered into by the parties to resolve an investigative case. This agreement is a discipline and must be reported on any future renewal applications. The original of this agreement shall be placed in the Agency Record and is a public record.

18. By signing this Consent Agreement, Licensee 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.

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

20. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

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

IT IS SO ORDERED.

Daniel J. Ohl
Licensee
13 Taylor Rd
Augusta, KS 67010

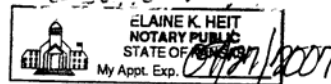
Daniel J. Ohl must sign before a Notary Public.

State of Kansas, County of Butler ss.
SUBSCRIBED AND SWORN TO before, me by Daniel J. Ohl

on this 18 day of Sept, 2006.

Signature of Notary Public

My Commission Expires 09/21/2007
(Notary Public Seal)



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

Terry E. Beck, Hearing Officer

CERTIFICATE OF SERVICE

On the 13th day of October, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Daniel J. Ohl
13 Taylor Rd
Augusta, KS 67010



Mark A. Knight, #12183
Assistant Attorney General
Kansas State Board of Nursing
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