

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING MAR 12 2007

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

KSBN

IN THE MATTER OF  
NOREENA JAEGER  
License No. 13-045075-021  
ARNP License No. 53-074757-021

Case No. 05-117-2

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 2nd day of March, 2007, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Noreena Jaeger, 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. Respondent is licensed to practice nursing in Kansas through 2/28/2007. 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 2402 Yosemite Ct, Garden City, KS 67846.
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 is established.

6. (a) Respondent is licensed in the state of Kansas through 2/28/2007 as a Registered Nurse and an Advanced Registered Nurse Practitioner.

(b) On or about 9/14/2004 Respondent wrote a prescription for clonidine for a 9 year old patient, W.S. At that time writing a prescription for clonidine for W.S. was not part of Respondent's protocols. Respondent documented "all of the children have extremely horrible colds w/running noses & sores on their faces from the cold, Totally disagreeable disgusting children."

(c) On or about 4/14/2005 Respondent wrote a prescription for clonidine for a 7 year old patient, L.S. At that time writing a prescription for clonidine for L.S. was not part of Respondent's protocols. Further, the Physician's Desk Reference (PDR) stated that clonidine has not been tested in pediatric patients under the age of twelve. Respondent documented that L.S. "is following in the foot steps of his brother who is an encopretic babyish mess."

(d) On or about 3/15/2005 Respondent wrote a prescription for Quinine for a 14 year old autistic patient, G.K. At that time writing a prescription for Quinine for G.K. was not part of Respondent's protocols. According to the PDR, Quinine is for treating malaria or restless leg syndrome.

(e) On or about 5/5/2005 Respondent wrote a prescription for Inderal Long Acting to be taken twice per day, for a patient, B.D. Inderal Long Acting is a hypertension medication. Documentation does not show that Respondent checked B.D.'s blood pressure prior to prescribing Inderal Long Acting. At that time writing a prescription for Inderal was part of Respondent's protocols. According to the PDR Inderal Long Acting is to be given one time per day.

(f) On or about 5/5/2005 Respondent wrote a prescription for Prevacid for B.D. At that time writing a prescription for Prevacid was not part of Respondent's protocols. On or about 5/5/2005 Respondent wrote a prescription for Reqip for B.D. At that time writing a prescription for Reqip was not part of Respondent's protocols.

(g) KSBN investigators review approximately 100 prescriptions written by Respondent between May of 2004 through December of 2005. Most of the prescriptions were missing some part of information required by the Kansas Nurse Practice Act including but not limited to the name, address, and telephone number of the practice location of the advanced registered nurse practitioner, the name, address, and telephone number of the responsible physician, signed by the advanced registered nurse practitioner with the letters A.R.N.P., from a class of drugs prescribed pursuant to protocol; and any D.E.A. registration number issued to the advanced registered nurse practitioner when a controlled substance, as defined in K.S.A. 65-4101(e) and amendments thereto, is prescribed.

(h) The above incidents occurred in Kansas while Respondent was employed by Area Mental Health Center, Garden City, Kansas.

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

K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed;

K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board;

K.S.A.65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(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.

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 is established.

10. Respondent 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 (a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

Count 3: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(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.

### 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 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 of the conditions and requirements of this agreement. Further, the parties agree that in the event of a lapse of Respondent's nursing licenses, reinstatement of Respondent's nursing licenses shall

be contingent upon this Consent Agreement and Final Order remaining in effect until Respondent completes each of the conditions and requirements of this agreement.

14. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the Respondent's licenses to practice nursing in Kansas are immediately suspended. The suspension will be stayed as long as the requirements and conditions of this agreement are met.

15. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the Respondent's license to practice nursing in Kansas as an Advanced Registered Nurse Practitioner is immediately limited. The limitations placed on the license and described below will remain in place until the requirements and conditions of this agreement are met or until the requirements and conditions of this agreement call for the modification of the limitations.

16. The Kansas State Board of Nursing will not take additional disciplinary action against respondent's nursing licenses for the violations stated above as long as respondent completes each of the following conditions and requirements:

(a) **Respondent shall return his or her current license cards to the Board with this Consent Agreement.** Respondent shall receive license cards which shall be issued with an "S" placed in the status code portion of the license cards to indicate that the licenses are suspended with a Stay. The Respondent's Advanced Registered Nurse Practitioner card will have an "L" indicating the limitations on the practice.

(b) **Respondent's practice involving patients under the age of eighteen (18) shall be subject to the following limitations and conditions.** Respondent's ARNP practice shall be limited to adults only until the completion of the on-site portion of the following course work: "The Safe and Effective Use of Psychiatric Medication in Children and Adolescence: A Mini-Fellowship for Primary Care Clinicians," to be held at Carlsbad, California on March 23 and 24, 2007. Upon the completion of the on-site course work described above, the following

conditions and limitations shall apply to Respondent's ARNP practice involving patients 17 years of age and under;

(1) Respondent shall arrange with her current employer to have all medical charts of Respondent's patients under the age of 18 reviewed and monitored in accordance with the following procedures:

(A) Respondent shall accurately document in the clinic notes all prescription and dosage information, and will fully document the reasons for any deviations from prescription or protocols.

(B) Respondent shall obtain verbal approval from one of the employer's staff physicians prior to any deviation from prescription dosage or protocol and shall make a good faith effort to obtain prior written approval of such deviation.

(C) (i) Clinical notes documenting Respondent's medical treatment of minors will be identified every week and reported to the employer's utilization review department. Such treatment will be reviewed at least every other week by Teri R. Sutherlin, MS, LCP. Prescription and dosage information will be reviewed. The documented dosage will be compared to the recommended dosage set forth in FDA regulations. Any dosage outside the accepted dosage practices for which prior written approval has not been obtained from one of the employer's staff physicians will be referred to Edgar Vizcaino, M.D. (Medical Director) for review. Any noted practice outside the approved ARNP protocols will be immediately referred to the Medical Director and to the Quality Improvement committee of the employer;

- (ii) Doctors Vizcaino, Jalees, or Malik will supervise the Respondent's work with all minor clients, as assigned from time to time for supervision of treatment of said minor client;
- (iii) Regular group and individual supervision will occur on a monthly basis and will be documented in quarterly reports sent to the Kansas State Board of Nursing.

(2) Respondent shall, and does by virtue of her approval of this consent order, authorize and direct her current employer to immediately notify the Kansas State Board of Nursing of any and all circumstances which reasonably indicated a possible violation of any provisions of the Kansas Nurse Practice Act, or any deviation from any employer established medication protocols or other practices without prior physician approval.

(3) **This limitation on Respondent's Advanced Registered Nurse Practitioner license will be removed one year after the effective date of this consent agreement and final order, upon Respondent's written request**, if at that time Respondent is in compliance with all other conditions and requirements of this consent agreement and final order and no other violations have occurred during the time this consent agreement and final order remain in effect.

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

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

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

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

(g) 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.

(h) **The respondent will complete two (2) hours of Continuing Nurses Education (CNE) on the topic of "Nurse Practice Act regarding Advanced Registered Nurse Practitioners." Respondent is to submit the original certificates for proof of the completion of the hours by May 15, 2007. Respondent may not use these hours to meet the CNE requirements of any renewal period.**

(i) **The respondent will complete six (6) hours of Continuing Nurses Education (CNE) on the topic of "Documentation." Respondent is to submit the original certificates for proof of the completion of the hours by May 15, 2007. Respondent may not use these hours to meet the CNE requirements of any renewal period.**

(j) **Respondent will Submit Reports from the Respondent'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 Respondent securing employment that utilizes his or her nursing license, Respondent is to mail to the Kansas State Board of Nursing a statement indicating that Respondent has not yet secured employment which utilizes Respondent's nursing license. This statement is due by the 10th day of each month beginning the next month after signing this consent agreement. Once Respondent is employed in a position that utilizes his or her nursing license, or if Respondent is currently employed in a position that utilizes his or her nursing license, a nursing performance report is due by the 10th day of every third Month until Respondent has caused the submission of four (4) separate nursing performance reports. The report shall be prepared and signed by Respondent's immediate supervisor or by an R.N. who



evaluates Respondent'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) Respondent's name, address, telephone number, license number. (5) A short explanation of the Respondent'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) Respondent 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.**

17. Respondent is responsible for the costs related to satisfying these conditions and requirements.

18. If Respondent does not meet these conditions and requirements, the 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 Respondent had complied with this Consent Agreement, but Respondent could not contest the violations listed in this agreement.

19. All parties understand that if an action based on failure to meet the conditions and requirements of this Consent Agreement is filed, K.S.A. 77-531 requires the Notice of Hearing to be served upon the Respondent and the Respondent's attorney of record, if any. All parties agree that only serving the Notice of Hearing upon the Respondent will be proper service and it is the Respondent's responsibility to contact his or her attorney, if any, in reference to the action.

Noreen A. Jaeger  
Respondent  
2402 Yosemite Ct  
Garden City, KS 67846

Noreen A. Jaeger must sign before a Notary Public.

State of Kansas, County of Finn ss.  
SUBSCRIBED AND SWORN TO before, me by Noreen A. Jaeger

on this 2<sup>nd</sup> day of March, 2007.

Signature of Notary Public \_\_\_\_\_ My Commission Expires 7/22/09  
(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

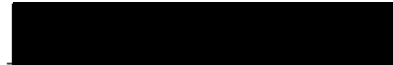


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Terry E. Beck, Hearing Officer

CERTIFICATE OF SERVICE

On the 12<sup>th</sup> day of March, 2007, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Noreen A. Jaeger  
2402 Yosemite Ct  
Garden City, KS 67846



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