

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JUL 14 2006

**IN THE MATTER OF
MARK S. RONFELDT
License No. 13-045151-102**

Case No. 04-737-7

KSBN

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 14th day of July, 2006, the Kansas State Board of

Nursing, represented by Assistant Attorney General, Mark A. Knight, and the respondent, Mark S. Ronfeldt, through respondent's counsel, Carl A. Gallagher, and enter into the following agreement:

1. Respondent is licensed to practice nursing in Kansas as a registered nurse through 10/31/2006. 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 6907 W. 52nd Place Apt 1B, Mission, KS 66202.
3. 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.
4. 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.

AGREED FINDINGS OF FACT

5. The respondent was convicted of Sexual Exploitation of a Child, a level 5 person felony and an article 35 felony at K.S.A. 21-3516(a)(2) in Johnson County, Kansas criminal case number 03CR1709. Respondent was convicted 12/9/2003, sentenced 3/2/2004 to three years probation. The respondent is on the KBI list of registered offenders.
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6. 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)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation. K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

7. 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

8. 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.

9. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation.

Count 2: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

POLICY STATEMENT

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

DISPOSITION

11. 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.

12. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that respondent shall complete the following conditions and requirements of this agreement:

- (a) Respondent **shall receive a license card which shall be issued with an "S" placed in the status code portion of the license card to indicate that the license is suspended.** The suspension will be stayed as long as requirements within this agreement are met. **The card will have an "L" indicating the limitations on the practice.**
- (b) Respondent will mail in his current license card with this agreement.
- (c) 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.
- (d) **Respondent shall not seek or accept employment or assignments where he will work with minors under the age of eighteen (18).**
- (e) The Respondent shall immediately **inform all employers and prospective employers of this Consent Agreement and the Final Order.**
- (f) Respondent **shall send a money order for \$70 to the Board upon entering into this agreement.**
- (g) Respondent **will not violate his probation agreement with Johnson County, Kansas** Respondent agrees that Johnson County, Kansas Community Corrections, 12425 W. 87th Parkway, Lenexa, KS 66215, 913-715-6700 will report probation violations to the Board.
- (h) Respondent agrees to **sign any release(s) necessary so that all reports,**

tests, or evaluations ordered as part of Respondent's probation with Johnson County, Kansas may be forwarded to the Kansas State Board of Nursing to the attention of the Board's Legal Division. In addition, upon request the respondent will provide the Board with any release necessary to confirm that respondent remains compliant with his probation agreement. The revocation of any release will be a breach of this Consent Agreement. Said records shall not be kept as public records.

(i) **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. A nursing performance report is due by the 10th day of every third Month until respondent has submitted four (4) separate nursing performance reports from the same employer. If the respondent changes employers then the count of nursing performance reports begins anew. Each report shall be prepared by respondent's immediate supervisor or by an R.N. who is employed by the facility where the respondent is employed and who evaluates respondent's performance on a regular basis. The reports are to 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 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.

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

(k) This agreement will be effective until 3/2/07.

13. 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.

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

15. By signing this Consent Agreement, respondent acknowledges that he 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.

16. After 3/2/07, if respondent has successfully completed all of the requirements of this Consent Agreement, the Consent Agreement will be satisfied, the suspension and limitations will be lifted from the respondent's license, and the case will be inactivated.

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

IT IS SO ORDERED.

Mark S. Ronfeldt must sign before a Notary Public.

Mark S. Ronfeldt ✓
Respondent
6907 W. 52nd Place Apt 1B
Mission, KS 66202

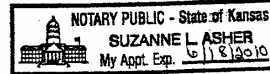
State of Kansas, County of Johnson ss.

SUBSCRIBED AND SWORN TO before, me by Mark S. Ronfeldt

on this 7th day of July, 2006.

Signature of Notary Public

My Commission Expires June 18 2010
(Notary Public Seal)



Carl A. Gallagher, #10736
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Topeka, KS 66612-1230


Terry E. Beck, Hearing Officer

CERTIFICATE OF SERVICE

On the 14th day of July, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Mark S. Ronfeldt
6907 W. 52nd Place Apt 1B
Mission, KS 66202

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