

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

AUG 17 2006

KSBN

**IN THE MATTER OF
WILLIAM J. MCDONALD
License No. 13-048553-071
ARNP License No. 53-044109-071**

Case No. 05-161-2

ORDER TO LIFT LIMITATION

Now on this 11th day of August, 2006 the petitioner, the Board, through counsel Mark A. Knight, moves to remove the limitation of licensee's licenses imposed in paragraph 9 of the Consent Agreement To Temporarily Limit Nursing Licenses And Final Order of 3/22/2005. The limitation imposed was that licensee have no unsupervised contact with a child or children under the age of sixteen. Petitioner has received notification in the form of a Journal Entry from the Ness County, Kansas District Court in case number 05-CR03, showing that licensee was acquitted of the charges which formed the basis of the limitations on licensee's licenses. The hearing officer orders that the limitations be removed and the licensee may begin practicing nursing in Kansas without limitation, effective today.

Disciplinary counsel shall mail a copy of this order to respondent's last known address.

IT IS SO ORDERED.

Terry E. Beck, Presiding Officer

NOTICE OF RIGHT TO APPEAL

The procedures available and time limitations for seeking review or other relief as follows: Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send your request to:

Mary Blubaugh, Executive Director, Board of Nursing
Landon State Office Bldg.
Suite 1051, 900 SW. Jackson
Topeka, KS 66612-1230.

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

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MAR 21 2005

Board of Nursing

IN THE MATTER OF
WILLIAM JOSEPH MCDONALD
ARNP LICENSE NO. 53-44109-071
RN LICENSE NO. 13-48553-071

CASE NO. 05-161-2

**CONSENT AGREEMENT TO TEMPORARILY LIMIT NURSING
LICENSES AND FINAL ORDER**

COMES NOW the petitioner, the Board of Nursing, by and through Betty Wright, Assistant Attorney General, and the respondent, William Joseph McDonald, by and through his counsel Kurt P. Kerns, and enter into the following agreement, to resolve the above titled action:

AGREED FINDINGS OF FACT

1. Respondent is licensed as an RN and ARNP in Kansas through 7/31/2005.
2. Respondent's address of record is P O Box 117, Ransom, Kansas 67572.
3. Respondent has been charged with sexual crimes against children, some of whom had been his patients, in Ness County Case No. 05-CR-03. The licensee is to have no unsupervised contact with any child under the age of sixteen as a condition of his court bond. (Court order filed 3/11/2005 is attached and incorporated within).

CONCLUSIONS OF LAW

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.
5. As the basis for this agreement and its enforcement, it shall be considered the respondent is subject to court bond provisions that would affect his nursing practice. If found guilty he would have violated the Nurse Practice Act in Kansas under the following provisions:

Respondent is alleged to have violated:

K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct by commission of any act of sexual abuse, sexual misconduct, or sexual exploitation related to the licensee's practice K.A.R 60-3-110 (f)

And

K.S.A. 65-1120 (a) (3) to have committed an act of professional incompetency as defined in subsection (e); *Professional incompetency defined.* As used in this section, "professional incompetency" means: (3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

6. The Kansas Board of Nursing will adopt the limitations of the bond order in the criminal case temporarily until the criminal case is resolved. The provision affecting his nursing practice is that he **"is to have no unsupervised contact with any child under the age of sixteen."**

7. Respondent has the right to a hearing to present 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 and the Kansas State Board of Nursing are waiving those rights and voluntarily entering into this consent agreement instead of proceeding to such a hearing.

POLICY STATEMENT

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

DISPOSITION

9. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that respondent shall temporarily agree to a limitation of his nursing practice. Licensee shall return his current nursing license to the legal division of the board with this agreement, and a new card will be issued with an "L" to indicate the following limitation:

(a.) **The Licensee shall limit his nursing practice by having no unsupervised contact with a child or children under the age of sixteen.**

10. If licensee does not meet these requirements, petitioner 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 he/she had complied with this agreement.

11. Licensee agrees to notify the Legal Division of any changes in his address and phone number within fourteen (14) days of such a change.

12. Licensee shall immediately notify the Legal Division of any violation of this Consent Agreement and Final Order to this board in writing to: Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, Kansas 66612-1230.

13. The Board will remove the limitation if licensee satisfies this agreement and is found not guilty of crimes against his patients by the court. The certified court document would need to be provided, and the limitation could be removed by an agreed order. 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.

14. The parties understand and acknowledge that this is a disciplinary action; it will be in the newsletter and on the website. 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.

IN WITNESS WHEREOF, the parties hereto execute this Consent Agreement to Temporarily Limit License and Final Order.

IT IS SO ORDERED.

Prepared by:

Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-7047

Approved by:

William Joseph McDonald
Licensee
P O Box 117
Ransom, KS 67572

Kurt P. Kerns
Counsel for Licensee
212 N. Market, Suite 200
Wichita, KS 67202


Terry Beck
Hearing Officer

CERTIFICATE OF SERVICE

On the 22nd day of March, 2005, I mailed a copy of this agreement to:

William Joseph McDonald
P O Box 117
Ransom, KS 67572

Kurt P. Kerns
212 N. Market, Suite 200
Wichita, KS 67202


Betty Wright, Assistant Attorney General
785-296-7047