

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

NOV 17 2006

KSBN

**IN THE MATTER OF
FENWICK C. BYRD
License No. 13-049023-011**

**Case No. 04-865-8
OAH No. 06BN0010**

CONSENT AGREEMENT TO LIFT STAY OF REVOCATION AND FINAL ORDER

NOW ON THIS 16th day of Nov., 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Licensee, Fenwick C. Byrd, 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

The Presiding Officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee is licensed to practice nursing in Kansas through 1/31/2007. 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 1167 SW Collins Ave, Topeka, KS 66604.
3. 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.
4. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.
5. (a) On or about 4/25/2006 a Petition was filed in case number 04-865-8 (OAH No. 06BN0010). On or about 6/29/2006 a hearing was held on the Petition. On or about 7/26/2006 an Initial Order was entered. On or about 8/11/2006 the Initial Order became a Final Order pursuant to K.S.A. 77-527. The Order in 04-865-8 outlined violations of the Kansas Nurse

Practice Act on the part of the licensee. The licensee was found to have violated K.S.A. 65-1120(a)(1) and (6) and K.A.R. 30-3-110(d). Pursuant to the Order the licensee's license to practice nursing in Kansas was revoked and the revocation was stayed. A copy of the Order is attached and incorporated into this agreement.

(b) In a letter dated 8/14/2006 the licensee provided notice to the Kansas State Board of Nursing of his intention to surrender his license to practice as a Registered Nurse in the state of Kansas.

CONCLUSIONS OF LAW

6. 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.

POLICY STATEMENT

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

DISPOSITION

8. Licensee is surrendering licensee's license to practice nursing in Kansas.

9. The Stay of Revocation issued in the Order of 7/26/2006 is Lifted and the licensee's license to practice nursing in Kansas is Revoked.

10. Upon signing this agreement and returning it to the Board, licensee shall not practice nursing in Kansas.

11. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document shall be kept in the Board's agency file and its contents may be disclosed to the public upon request.

12. If licensee does seek reinstatement of licensee's license, licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.
13. 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.
14. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO LIFT STAY OF REVOCATION AND FINAL ORDER.

IT IS SO ORDERED.

 Fenwick C. Byrd ✓ _____ Fenwick C. Byrd must sign before a Notary Public.
 Licensee
 1167 SW Collins Ave
 Topeka, KS 66604

State of Kansas, County of Shawnee ss.

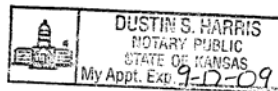
SUBSCRIBED AND SWORN TO before, me by Fenwick C. Byrd

on this 13 day of Nov., 2006.

 Signature of Notary Public

My Commission Expires 9-17-09
 (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 17th day of November, 2006, I mailed a copy of this CONSENT AGREEMENT TO LIFT STAY OF REVOCATION AND FINAL ORDER to:

Fenwick C. Byrd
1167 SW Collins Ave
Topeka, KS 66604

Disciplinary Counsel
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230



Mark A. Knight, #12163
Assistant Attorney General