

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED
MAY 30 2006
KSBN

IN THE MATTER OF
KATHY L. LEEPER
License No. 13-051299-091

Case No. 04-527-0

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 25 day of May, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Kathy L. Leeper, 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. In September of 2001, respondent's Kansas nursing license lapsed. On March 27, 2006 the Board issued a Summary Denial of respondent's application for reinstatement of license as a registered nurse. The respondent filed a timely appeal. 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 14645 E. Highway FF, Diamond, MO 64840.
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(a) is established.
6. (a) On or about September 30, 2001 Respondent's Kansas nursing license lapsed.

(b) On or about August 8, 2002 Respondent was convicted of possession of drug paraphernalia with intent to use, a misdemeanor. Said conviction was in the Circuit Court of Jasper County, Missouri. Said conviction ~~arose~~ ^{arose} ^{from} from an incident where Respondent was operating a motor vehicle while intoxicated by alcohol and drugs, and at a high rate of speed (60 mph in a 25 mph residential zone). The Respondent struck a utility pole.

(c) On or about January 15, 2003 while employed by St. John Regional Medical Center, Joplin, Missouri, Respondent had a positive Urine Drug Screen for methamphetamine and marijuana. On or about July 1, 2004 Respondent was disciplined by the Missouri State Board of Nursing. Respondent was placed on probation for a period of four years. Conditions of Respondent's probation included: Appearing at board meetings, employer evaluations, key restrictions, no unsupervised practice, and a chemical dependency evaluation and treatment. Probation runs from July 31, 2004 through July 31, 2008.

(d)



(e) On or about June 15, 2004 Respondent was convicted of passing a bad check, a misdemeanor. Said conviction was in the Circuit Court of Newton County, Missouri.

(f) On or about May 23, 2005 Respondent submitted an application to the Kansas State Board of Nursing for reinstatement of her Kansas registered nurse license.

(g) On or about April 10, 2006 a petition was filed before the Kansas State Board of Nursing regarding the based on the above information.

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)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol; K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of

another state, agency, or territory; 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 unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust"; 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.

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(a) is established.

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

Count 1: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 2: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency, or territory.

Count 3: 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 4: 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

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 respondent's nursing license until respondent completes each of the conditions and requirements of this agreement. Upon the parties entering into this Consent Agreement and with the respondent having met all statutory requirements for reinstatement of respondent's Kansas Nursing license, the respondent's application for reinstatement of respondent's Kansas Nursing license will be granted. The Kansas State Board of Nursing will not take disciplinary action against respondent's nursing license for the violations stated above as long as respondent meets the following requirements:

(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 shall **have a narcotic key restriction on respondent's license.** The narcotic key restriction prohibits the respondent from passing of narcotics, wasting of narcotics or having access to narcotics. The narcotic key restriction also prohibits the respondent from supervising nurses or others that have access to narcotics.

(c) Respondent will **participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP)**; sign releases of information necessary for KNAP to evaluate and monitor respondent and for KNAP to report information to the board. Respondent will be deemed to have completed the KNAP program when KNAP issues written notification that respondent has completed the program. Noncompliance with KNAP is a violation of this agreement.

(d) Respondent **must submit to random drug screens as determined or selected by the Board or by KNAP**. The costs of the drug screens will be paid by the respondent. Respondent agrees that a Positive Drug Screen is a violation of this agreement.

(e) Respondent shall **immediately notify the Legal Division of any use of alcohol, if prohibited by KNAP, or controlled substances, or any violation of this Consent Agreement and Final Order**.

(f) The Respondent shall **immediately inform all employers and prospective employers of this Consent Agreement and the Final Order**. All such notifications shall be made in writing within fourteen (14) days of entering this agreement.

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

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

(i) 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.

(j) Respondent **shall not seek or accept employment with a nursing registry, a temporary nursing service or agency, a home health care service or agency, or as a private duty nurse without prior written consent of the Board**.

(k) 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 respondent's 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 respondent's nursing license, or if respondent is currently employed in a position that utilizes respondent's 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

(l) Respondent **shall 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.

(m) Respondent is responsible for the costs related to satisfying these conditions and requirements.

14. 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 respondent had complied with this agreement, but respondent could not contest the violations listed in this agreement.

15. The Board will inactivate this case file once respondent satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against respondent's license for any additional or cumulative violation of the Nurse Practice Act committed by the respondent before or after this agreement is entered into.

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

17. By signing this Consent Agreement, respondent acknowledges that respondent 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.

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

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

IT IS SO ORDERED.

Kathy L. Leeper must sign before a Notary Public.

Kathy L. Leeper
Respondent
14645 E. Highway FF
Diamond, MO 64840

State of ~~Kansas~~ ^{Missouri}, County of Jasper ss.

SUBSCRIBED AND SWORN TO before, me by Kathy L. Leeper

on this 22nd day of May, 2006.

Signature of Notary Public

My Commission Expires

AMY L. LANE
Notary Public - Notary Seal
State of Missouri, Jasper County
My Commission Expires Aug. 14, 2006

8/14/2006
(Notary Public Seal)

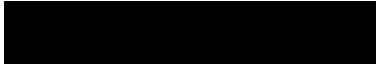
Mark A. Knight, #12183
Assistant Attorney General
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230

Terry E. Beck, Hearing Officer

CERTIFICATE OF SERVICE

On the 31st day of May, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to

Kathy L. Leeper
14645 E. Highway FF
Diamond, MO 64840



Mark A. Knight, #12183
Assistant Attorney General