

Filed

DEC 13 2005

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

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

CASE NO. 01-236-7, 03-317-7, 5-214-7

IN THE MATTER OF
CARA CROCKETT
LICENSE NO. 13-057691-112

CONSENT AGREEMENT TO REINSTATE AND SUSPEND LICENSE WITH A STAY AND FINAL ORDER

NOW ON THIS 10th day of December, 2005, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Cara Crockett, enter into the following agreement:

1. Respondent was originally licensed in 1987.
2. On 10/22/2003 the respondent signed a Final Order, a Consent Agreement to Surrender and Revoke License, based upon events described below.
3. Respondent submitted an application to the board for reinstatement of her nursing license as an R.N. on 2/18/2005. The Board issued a Summary Order denying a license on 7/15/2005 based upon previous cases with the Board.
4. The respondent submitted a timely request for a hearing on 7/19/2005. The Board has jurisdiction over the respondent and the subject matter of this action.
5. After an investigation, the Board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act and referred this matter for further proceedings.
6. Respondent has the right to a hearing with evidence and witnesses to establish evidence of his/her fitness to practice nursing 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.

AGREED FINDINGS OF FACT

7. The respondent has a history with the board. In Case 01-236-7 the applicant signed a Kansas Nurses Assistance Program (KNAP) agreement/contract on 4/27/01 and then rescinded the contract and all releases. She admitted in April of 2001 she was at a party at a friend's home and after drinking punch with Vodka in it, her friends called "911" and an ambulance took her to an addiction recovery unit. She denied any abuse of alcohol and refused services from KNAP. She did not release her medical records to the Kansas State Board of Nursing, but did admit in a letter to the Board that she had, also, been admitted to the hospital for alcohol poisoning in June of 2001. She refused to enter KNAP because she stated she did not abuse alcohol.

8. The respondent readmitted herself into KNAP. She signed an agreement/contract on March 16, 2002. She relapsed on May 24, 2002 and agreed to some additional conditions; (1) no twelve (12) hour shifts or night work; (2) no agency work; (3) attendance at aftercare one time weekly; and (4) evaluation for ongoing counseling.

9. She re-entered into a diversion agreement with the Board on September 11, 2002. She failed to meet the terms of the diversion agreement by relapsing on 1/23/03 and 1/31/03.

10. In Case 03-317-7 respondent had not been able to maintain sobriety from drugs or alcohol since January of 2002. The board had reports of positive UDS on 1/23/03, 1/30/03, 4/30/03. She had in-patient treatment from July 11, 2002 to August 7, 2002, and relapsed to alcohol immediately upon discharge. She was had inpatient treatment again from August 17-24, 2002 for alcohol abuse. Due to relapsing on drugs and alcohol, respondent's time in KNAP was extended to 1/31/06. She had 2 positive UDS for benzodiazepines (Serax) in January 2003. After a positive UDS on 4/30/03 she was re-evaluated. In May 2003 respondent admitted to relapsing to alcohol. Respondent began missing appointments, and on 8/15/03 the board and respondent received a letter from KNAP stating that respondent was not safe to practice nursing. KNAP recommended a documented **two years of recovery and sobriety** be provided before considering her safe to practice. The relapse resulted in the 10/22/2003 Final Order, a Consent Agreement to Surrender and Revoke License.

11. The respondent provided evidence of treatment for addiction with her reinstatement application. Her treater reports that she has been sober since January 2004. Her sponsor in

AA describes her as a success in the program. A non nursing employer described above average attendance of the respondent in her job.

12. The respondent as an applicant is qualified to enter the KNAP program, she was referred to the KNAP program by the board on 9/7/2005.

13. On 12/2/2005 KNAP reported to the board that the respondent is enrolled and compliant with the program and has had her first urine drug screen and it was negative. She is safe to practice as of 12/2/2005.

CONCLUSIONS OF LAW

14. Respondent has violated the nurse practice act in the past, her violations include:

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 of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

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)(6), unprofessional conduct by K.A.R. 60-3-110 (s) failing to complete the requirements of the impaired provider program of the board.

POLICY STATEMENT

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

DISPOSITION

16. 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.

17. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that a new license with an "S" will be issued and immediately **suspended** but such **suspension shall be stayed** and respondent will be allowed to practice under the following conditions:

a. Licensee shall participate in and complete the recommendations and requirements of the **Kansas Nurses Assistance Program (KNAP)**; sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report information to the board.

b. Licensee shall send a **money order for \$70** to the Board upon entering into this agreement.

18. Licensee is responsible for the costs related to satisfying these conditions.

19. If licensee does not meet these requirements, petitioner will file a motion to lift the stay and 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, but he/she could not contest the established violation(s).

20. Licensee agrees to notify the Legal Division of any changes in his 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.

21. Licensee shall immediately notify the Legal Division of any use of alcohol, or controlled substances, or any violation of this Consent Agreement and Final Order.

22. **The Board will inactivate this case file when KNAP sends a letter stating respondent has successfully completed the KNAP program.** 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.

23. 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.

24. By signing this Consent Agreement, respondent acknowledges that licensee 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 CONCLUSION

25. This case will be inactivated and a card with no suspension will be issued when:

- a) KNAP issues a letter of successful completion of the KNAP program.
- b) when cost of \$70 is paid.

26. Once all of the above are met, the licensee may request that an unencumbered license be issued by sending the request in writing and returning the license card with the "S" to the Board; if all requirements are met a new card will be issued with no restrictions.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO REINSTATE AND SUSPEND LICENSE WITH A STAY AND FINAL ORDER.

 Cara Crockett

Cara Crockett
Licensee
11628 Tomahawk Creek Pkwy
Leawood, KS 66211

Betty Wright

Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-4325

IT IS SO ORDERED.

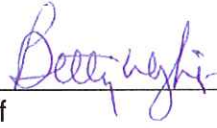
Terry Beck

Terry Beck
Hearing Officer

CERTIFICATE OF SERVICE

On the 13th day of December, 2005, I caused a copy of this document to be mailed, postage prepaid, to:

Cara Crockett
11628 Tomahawk Creek Pkwy
Leawood, KS 66211



staff

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LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

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AUG 29 2005

Board of Nursing

IN THE MATTER OF
CARA CROCKETT
LICENSE NO. 13-057691-112

CASE 05-214-7

PETITION

COMES NOW the petitioner, the board of nursing, by and through disciplinary counsel for the board, Betty Wright, and for its cause of action states that:

1. Respondent was licensed as a nurse in Kansas in 1987.
2. On 10/22/2003 the respondent signed a Final Order, a Consent Agreement to Surrender and Revoke License, based upon events described below.
3. Respondent has submitted an application for reinstatement of her nursing license Received by the Board 2/18/2005.
4. The Board issued a Summary Order of denial of reinstatement to respondent on 7/15/2005.
5. The respondent submitted a timely request for a hearing on 7/19/2005. The Board has jurisdiction over the respondent and the subject matter of this action.
6. The respondent has a history with the board. In Case 01-236-7 the applicant signed a Kansas Nurses Assistance Program (KNAP) agreement/contract on 4/27/01 and then rescinded the contract and all releases. She admitted in April of 2001 she was at a party at a friend's home and after drinking punch with Vodka in it, her friends called "911" and an ambulance took her to an addiction recovery unit. She denied any abuse of alcohol and refused services from KNAP. She did not release her medical records to the Kansas State Board of Nursing, but did admit in a letter to the Board that she had, also, been admitted to the hospital for alcohol poisoning in June of 2001. She refused to enter KNAP because she stated she did not abuse alcohol.
7. The respondent readmitted herself into KNAP. She signed an agreement/contract on March 16, 2002. She relapsed on May 24, 2002 and agreed to some additional conditions; (1)

no twelve (12) hour shifts or night work; (2) no agency work; (3) attendance at aftercare one time weekly; and (4) evaluation for ongoing counseling.

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9. In Case 03-317-7 respondent had not been able to maintain sobriety from drugs or alcohol since January of 2002. The board had reports of positive UDS on 1/23/03, 1/30/03, 4/30/03. She had in-patient treatment from July 11, 2002 to August 7, 2002, and relapsed to alcohol immediately upon discharge. She was had inpatient treatment again from August 17-24, 2002 for alcohol abuse. Due to relapsing on drugs and alcohol, respondent's time in KNAP was extended to 1/31/06. She had 2 positive UDS for benzodiazepines (Serax) in January 2003. After a positive UDS on 4/30/03 she was re-evaluated. In May 2003 respondent admitted to relapsing to alcohol. Respondent began missing appointments, and on 8/15/03 the board and respondent received a letter from KNAP stating that respondent was not safe to practice nursing. KNAP recommended a documented **two years of recovery and sobriety** be provided before considering her safe to practice. The relapse resulted in the 10/22/2003 Final Order, a Consent Agreement to Surrender and Revoke License.

10. 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 consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established. The board may deny, limit, suspend, or revoke a nursing license or may issue a public or private censure and levy administrative fines if a violation of K.S.A. 65-1120 is established.

11. Per the *Vakas* case, 248 Kan. 589 (1991), the factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been

made are the following:

- The present moral fitness of the petitioner;
- The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- The extent of petitioner's rehabilitation;
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.

WHEREFORE, petitioner requests that respondent prove that her license should be reinstated or conditions placed upon her license and that \$70.00, the costs of this action, be assessed to respondent.

Respectfully submitted,

Phill Kline
Attorney General

By: _____


Betty Wright
Assistant Attorney General
Board of Nursing
785-296-7047