

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED
JUN 15 2006
KSBN

IN THE MATTER OF
LISA F. ULRICH
License No. 13-06327-022

Case No. 05-872-0

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 15th day of June, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the respondent, Lisa F. Ulrich, through respondent's counsel, D. Lee McMaster, and enter into the following agreement for a period of eighteen (18) months:

AGREED FINDINGS OF FACT

1. Respondent's license to practice nursing in Kansas as a registered nurse was to lapse on February 28, 2006. Respondent filed a renewal application on January 17, 2006. The Kansas State Board of Nursing issued a Summary Denial of the Respondent's applicant. 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 13406 N. 54th Ave., Glendale, AZ 85304.
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 June 12, 2002, Respondent made application to the Arizona State Board of nursing for a license as a professional nurse.
- (b) On or about July 22, 2004 the Arizona State Board of Nursing issued an Order of Denial regarding Respondent's Arizona application.
- (c) Respondent requested a hearing on the Denial Order which was held on or about November 10, 2004.
- (d) On or about March 16, 2005 the Arizona State Board of Nursing's denial of Respondent to practice as a professional nurse in Arizona was affirmed and upheld in an Order of Denial After Hearing.
- (e) In the Order of Denial After Hearing, it is stated that Respondent exhibits signs and symptoms of chemical dependency and that the dependency remains unresolved. It is also stated in the Order of Denial After Hearing that the Respondent failed to demonstrate to the tribunal "any probative, credible or substantial evidence that she is, in fact, in recovery."
- (f) On or about October 29, 2003 Respondent entered a Consent Agreement for Suspension with Stay with a Limited License and Final Order. The stayed suspension was lifted from June 4, 2004 to August 11, 2004 due to a positive drug screen for cocaine. The drug screen occurred on or about May 18, 2004. The stay of the suspension of Respondent's license was reinstated on August 11, 2004. The Respondent was allowed to practice nursing under the same terms and conditions of the October 29, 2003 Consent Agreement for Suspension with Stay with a Limited License and Final Order.
- (g) Paragraph 17. (f) of the Consent Agreement of October 29, 2003 required the Respondent to submit "quarterly reports" for a period of one year. Respondent submitted one report since entering the Consent Agreement.
- (h) Paragraph 17. (g) of the Consent Agreement of October 29, 2003 required the Respondent to comply with all laws and regulations governing the practice of nursing. On or about June 12, 2002, Respondent made application to the Arizona State Board of nursing for a

license as a professional nurse. On or about March 16, 2005 the Arizona State Board of Nursing denied Respondent's application.

(i) On or about January 17, 2006, Respondent submitted an application to the Kansas State Board of Nursing for renewal of her Kansas registered nurse license.

(j) On or about March 9, 2006, the Kansas State Board of Nursing issued a Summary Denial of Respondent's application for renewal.

7. The above incidents are violations of the nurse practice act. The respondent agrees that the board is prepared to prove that she has violated: 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)(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; K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (r), failing to comply with any disciplinary order of the board.

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)(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 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.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (r), failing to comply with any disciplinary order of the board.

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 respondent shall complete the following conditions and requirements of this agreement:

(a) Respondent shall continue to participate in and complete the recommendations and requirements of [REDACTED] sign releases of information necessary for [REDACTED] to evaluate and monitor Respondent and for [REDACTED] to report information to the board.

(b) Respondent shall have a narcotic key restriction on her license for the first six (6) months after she secures employment that requires a nursing 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. After Respondent completes six (6) months of

employment that requires a nursing license, without violating any terms of this agreement, she may request that the narcotic key restriction be removed from her license. Respondent' request shall include written verification from her employer, to the Kansas State Board of Nursing, as to whether the Respondent has been employed in a position that requires a nursing license; as to whether the Respondent has held that position for at least six (6) months; as to whether the Respondent has passed, wasted, had access to, or supervised others that had access to narcotics. With a showing that the narcotic key restriction term of this agreement has been met by the Respondent, and the Respondent is compliant with all other terms of this agreement, the narcotic key restriction will be removed from her license and she will be issued a license card with no limitations on the practice.

(c) Respondent shall immediately notify the Legal Division of any use of alcohol, [REDACTED] or controlled substances, or any violation of this Consent Agreement and Final Order.

(d) 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.

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

(h) Respondent shall 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 his or her 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 his or her nursing license, or if respondent is currently employed in a position that utilizes his or her nursing license, 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. The report shall be prepared 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 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.

(i) Upon entering this Consent Agreement, Respondent's application for renewal of her Kansas nursing license will be granted. Respondent shall receive a license card which shall be issued with an "L" indicating limitations on the practice.

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

15. This agreement is a contract entered into by the parties to resolve a Summary Denial to Renew Respondent's license. The original of this agreement shall be placed in the Agency Record and is a public record.

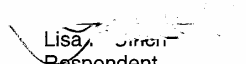
16. This agreement supersedes the Consent Agreement for Suspension with Stay with a Limited License and Final Order entered into by the parties on October 29, 2003. And this agreement supersedes the stay of the suspension of Respondent's license as reinstated on August 11, 2004.

17. By signing this Consent Agreement, respondent acknowledges that he/she 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, the case will be inactivated, and the respondent will be issued a license with no Limitations.

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

~~IT IS SO ORDERED.~~


Respondent
13406 N. 54th Ave.
Glendale, AZ 85304

Lisa F. Ulrich must sign before a Notary Public.

State of Arizona, County of Maricopa ss.

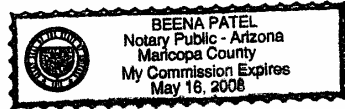
SUBSCRIBED AND SWORN TO before, me by Lisa F. Ulrich

on this 5th day of June, 2006.

Signature of Notary Public

My Commission Expires May 16, 2008
(Notary Public Seal)

D. Lee McMaster, # 05818
Counsel for Respondent
540 Broadway Plaza Bldg.
105 S. Broadway
Wichita, KS 67202-4220



Ma... 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 15th day of June, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Lisa F. Ulrich
13406 N. 54th Ave.
Glendale, AZ 85304

D. Lee McMaster, #
540 Broadway Plaza Bldg.
105 S. Broadway
Wichita, KS 67202-4220

Mark A. Knight, #12183
Assistant Attorney General