

BEFORE THE KANSAS STATE BOARD OF NURSING

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

Filed
AUG 18 2004
Board of Nursing

IN THE MATTER OF
RICHELLE BRIANT-SHIPPI
LICENSE NO. 13-70663-062

CASE NO. 03-463-9

CONSENT AGREEMENT TO LIMIT LICENSE AND FINAL ORDER

NOW ON THIS 11th day of August, 2004, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Richelle Briant-Shippy, enter into the following agreement:

1. Respondent is licensed to practice nursing in Kansas as a Registered Nurse until 6/30/2006.
2. Respondent's address of record is 302 West 3rd, P O Box 93, Enterprise, KS 67441.
3. 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.
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.

AGREED FINDINGS OF FACT

5. On or about 6/7/2003 while employed as a nurse at Holiday Resort, Salina, Kansas the respondent diverted resident Ms. DP's Lortab for her personal use.. When the facility discovered the medications were missing, urine drug screens were done on the staff. The other staff results were negative, but respondent's was positive for hydrocodone (Lortab) and marijuana. Another urine drug screen was done on 1/2/2004 on respondent and it was positive for marijuana.

CONCLUSIONS OF LAW

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

- (a) K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);
- (b) K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
- (c) K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d).

7. 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.

8. Respondent violated the Kansas Nurse Practice Act as described above.

POLICY STATEMENT

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

DISPOSITION

10. 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.

11. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the license card will be issued with an "L"; the license will be **limited** and respondent will be allowed to practice under the following conditions:

- a. Licensee shall participate in and complete the recommendations and requirements of the [REDACTED] sign releases of information necessary for [REDACTED] to evaluate and monitor licensee and for [REDACTED] to report information to the board.

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

c. Licensee will **not** work any home health, agency or private duty nursing.

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

13. 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, but he/ she could not contest the established violation(s).

14. Licensee agrees to notify the Legal Division of any changes in his/her 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.

15. 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.

16. The Board will inactivate this case file once licensee satisfies this agreement. 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.

17. 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.

18. 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.

IN CONCLUSION

19. This case will be **inactivated** and a card with **no limitations** will be issued when:

- a) KNAP or an impaired provider program from another state provides a letter of successful completion of their program and further states that she is safe to practice nursing.
- b) cost of **\$70** is paid.
- c) No further violations of the Nurse Practice Act are reported.

Once all of the above are met, the licensee may request that a new card with no limitations be issued by sending the request in writing and returning the license card with the "L" to the Board.

If all requirements are met a new card will be issued with no limitations.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT TO LIMIT LICENSE AND FINAL ORDER.

Richelle Briant-Shippy
302 West 3rd P O Box 93
Enterprise, KS 67441

State of Kansas)

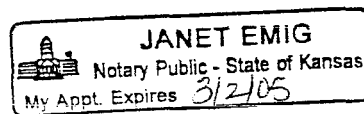
County of Dickinson)

SS

Subscribed to before me by Richelle Briant-Shippy on 8-9, 2004.
(seal)

Signature of Notary Public

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



IT IS SO ORDERED.

Terry Beck
Hearing Officer

CERTIFICATE OF SERVICE

On the 18th day of August, 2004, I caused a copy of this document to be mailed, postage prepaid, to :

Richelle Briant-Shippy
302 West 3rd P O Box 93
Enterprise, KS 67441

Betty Wright, Assistant Attorney General