

BEFORE THE KANSAS STATE BOARD OF NURSING

FILED
NOV 28 2006

IN THE MATTER OF
JENNIE M. MAISON
License No. 13-073752-082

Case No. 98-0080-5, 03-386-5
OAH No. 06BN0014

KSBN

INITIAL ORDER

Now on this 7th day of November, 2006, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon being duly appointed Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing appears by Disciplinary Counsel Mark Knight, Assistant Attorney General. The Respondent, Jennie Maison appears in person. Witnesses were John Childers and the respondent.

Findings of Fact

1. The Respondent was licensed to practice nursing in the State of Kansas.
2. In January 2005, the Respondent entered into a Consent Agreement to Suspend License with a Stay and Final Order Modifying the Disposition Order of Suspension of 4/24/01.
3. Among the conditions the Respondent entered into in this Order of April 24, 2001, is that she would participate and complete the recommendations and requirements of the Kansas Nurse Assistance Program (KNAP).
4. On December 21, 2005, [REDACTED] notified the Respondent that her case with [REDACTED] had been closed for non-compliance. The Petitioner's non-compliance consisted of not calling in to CVI since 12/6 and not going for UAs on date you are called;

The Respondent was called on June 23. No UA was done in June.

The Respondent was called on July 5, July 6, and July 18 for UAs. She went on July 11.

The Respondent was called on August 1, August 12, and August 22 for UAs. She went on August 31. At this time, the Respondent tested positive for Tramadol with no prescription.

The Respondent was called on September 2, September 12 for UAs and went on September 30. At this time, the Respondent was found positive for Loratab with no prescription.

The Respondent was called on October 10 and went October 31 for a UA. She tested positive for Loratab at this time.

The Respondent was called November 13. She did not go for a UA any time in November.

5. The Respondent did not provide a script for Propoxphene for which she tested positive in April and May 2005. Further, the Respondent was found delinquent in KNAP with a balance of \$400.00.
6. This information was also reported to the Kansas State Board of Nursing.
7. On or about June 8, 2006, the Kansas State Board of Nursing filed a Motion to Lift Stay of Suspension.

Applicable Law

1. The Kansas State Board of Nursing may deny, revoke, or suspend any license to practice nursing if the licensee is found, after hearing, to be unable to practice with skill and safety due to current abuse of drugs or alcohol. K.S.A. 675-1120(a)(4).
2. The Kansas State Board of Nursing may deny, revoke, or suspend any license to practice nursing if the licensee is found, after hearing, to be guilty of unprofessional conduct as defined by the rules and regulations of the Board. K.S.A. 65-1120(a)(6).
3. Unprofessional conduct is defined at K.A.R. 30-3-110. Failing to comply with any disciplinary order of the Board amounts to unprofessional conduct. Failing to complete the requirements of the impaired provider program of the Board is also defined as unprofessional conduct. K.A.R. 30-3-110(s).

Conclusions of Law

1. The Respondent has been shown to be unable to practice with skill and safety due to current abuse of drugs.
2. The Respondent has shown to be guilty of unprofessional conduct by failing to complete the requirements of the impaired provider agreement of the Board and also by failing to comply with the disciplinary order she entered into with the Board on April 24, 2001.

3. The Presiding Officer hereby grants the Kansas State's Board of Nursing Motion to Lift the Stay of Suspension the Respondent entered into with the Board on April 24, 2001.
4. The Respondent shall pay costs of the action of \$70.00.

Appeal Rights and Other Administrative Relief

The procedures available and time limitations for seeking review or other relief as follows: Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send you request to:

Mary Blubaugh, Executive Director, Board of Nursing
Landon State Office Building
Suite 1051, 900 SW Jackson
Topeka, KS 66612-1230

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

OFFICE OF ADMINISTRATIVE HEARINGS

Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On Nov 28, 2006, I mailed a copy of this document to:

Jennie M. Maison
4141 S. Seneca, #706
Wichita, KS 67217

Mark Knight
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612

Staff Person
Office of Administrative Hearings

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF
JENNIE MAISON
LICENSE NO. 13-073752-082

CASE NO. 98-0080-5, 03-386-5

Filed
JAN 28 2005
Board of Nursing

CONSENT AGREEMENT TO SUSPEND LICENSE WITH A STAY AND FINAL ORDER

MODIFYING THE DISPOSITION ORDER OF SUSPENSION OF 4/24/2001

NOW ON THIS 18th day of January, 2005, the Kansas State Board of Nursing,

represented by Assistant Attorney General, Betty Wright, and the respondent, Jennie Maison, through respondent's counsel, Lawrence Williamson, enter into the following agreement:

1. Respondent is licensed to practice nursing in Kansas as an RN through 8/31/2006.
2. Respondent's address of record is P O Box 13234, 4171 S. Seneca 706, Wichita, KS 67213.
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. Between May 13, 18, 27, 2003 while employed as a nurse at Wesley Rehabilitation Hospital, Wichita, KS the licensee made three narcotic related medication errors. On June 21, 22, 23, and 24, 2003 the licensee claimed to have given pain medications to two patients, Mr. VB and Mr PT who both denied receiving the medications. Pain assessments were not charted, but the pills were charted as given. The licensee had recently been taken off of a key

restriction through KNAP in previous case 98-0080-5.

CONCLUSIONS OF LAW

6. Respondent has violated:

K.A.R. 60-3-110(d) by inaccurately recording, falsifying, or altering any record of a patient, or agency or of the board.

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. 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

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 will be **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. License shall provide original certificates of completion of 3 hours of CNE on documentation and 3 hours of CNE on nursing ethics, these hours are in addition to the 30 hours required for renewal and may not be used for renewal.

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

d. Licensee **shall return current Ks. license card with agreement.**

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

12. 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).

13. 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, address correspondence to: Legal Division, Ks. State Board of Nursing, LSOB, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

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

15. 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.

16. 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.

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.

IN CONCLUSION

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

- a) When the KNAP program issues a letter stating the program has been completed successfully;
- b) When the 6 hours of CNE original certificates are received
- c) cost of \$70 is paid.
- d) No further violations of the Nurse Practice Act are reported.

Once all of above are met , the licensee may request that a new card be issued by sending the request in writing and return 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 Suspend with a Stay and request for a Final Order.

Jennie Maison
Licensee
P O Box 13234
4171 S. Seneca 706
Wichita, KS 67213

Lawrence Williamson
Counselor Respondent

Williamson & Assoc.
300 N. Main, Suite 102
Wichita, KS 67202

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 27th day of January, ~~2004~~²⁰⁰⁵, I caused a copy of this document to be mailed, postage prepaid, to:

Jennie Maison
P O Box 13234
4171 S. Seneca 706
Wichita, KS 67213

Lawrence Williamson
Williamson & Assoc.
300 N. Main, Suite 102
Wichita, KS 67202

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