

BEFORE THE KANSAS STATE BOARD OF NURSING  
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051  
TOPEKA, KANSAS 66612-1230

Filed  
APR - 1 2004  
Board of Nursing

IN THE MATTER OF  
SHEILA NICHOLSON  
LICENSE NO. 13-74620-072

CASE NO. 02-566-6

**CONSENT AGREEMENT TO PERMANENTLY  
LIMIT LICENSE and FINAL ORDER**

Now on this 29<sup>th</sup> day of March, 2004, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the licensee, Sheila Nicholson, hereby enter into this agreement to surrender and revoke her license.

**FINDINGS OF FACT**

1. Licensee is licensed as a RN through 7/31/2004. The Board has jurisdiction over the licensee and the subject matter of this action.
2. The licensee was investigated and sufficient evidence was found to establish that on or about 9/24/02 the licensee was employed at the Life Care Center of Burlington, Kansas. The investigation found that licensee verbally abused a resident by yelling at the resident.
3. The licensee used a number of controlled substances, including wearing two duralgesic patches at one time, to alleviate pain. This use of drugs may cause impairment at work and with patients.
4. The investigation showed that she had reserved some vicodin pill from a punch out pack, to provide to residents later. This is not appropriate procedure for controlled substances.
5. The board requested in February 2003 that due to the above allegations, the respondent seek a [REDACTED] evaluation for addiction and impairment.
6. The respondent refused to attend [REDACTED] and mailed in her nurse license

card on 6/23/03 with a request that she surrender her license.

7. The allegations if established are violations of the nurse practice act.

Violations are:

**COUNT 1:** K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (e) physical abuse, which shall be defined as any act or failure to act performed intentionally or carelessly that causes or is likely to cause harm to a patient. This term may include any of the following:(3)any threat, menacing conduct, or other nontherapeutic or inappropriate action that results in or might reasonably be expected to result in a patient's unnecessary fear or emotional or mental distress;

**COUNT 2:**, diverting drugs from a patient or agency, and inaccurately recording a patient or agency record;

**COUNT 3:** K.S.A. 65-1120(a)(4), unable to practice with skill and safety due to current abuse of drugs.

#### **CONCLUSIONS OF LAW**

8. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).
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. Licensee has the right to these hearings and the right to seek review of the findings from these hearings in accordance with the Kansas administrative procedure act and the Kansas act for judicial review and civil enforcement of agency actions. Licensee

is waiving those rights and knowledgeable and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

#### POLICY STATEMENT

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

#### DISPOSITION

12. Licensee does not admit the above allegations. Licensee will agree however to resolve the case by admitting that she has fibromyalgia and coronary artery disease, both conditions require narcotic medications for controlling pain. She agrees that these medications may hamper her at times when providing nursing care to patients. She returned her card to the board June 23, 2003.
13. Upon signing this agreement, the licensee agrees she will **not provide direct patient care in the future**. This is a **permanent limitation** on her nursing license.
14. A new license card will be issued with an "L" to indicate a limitation on her practice. The L will be on the card on each renewal of the license.
15. Licensee shall send a **money order for \$70** to the Board upon entering into this agreement.
16. The Board **does report** this limitation agreement to data banks, other entities, its newsletter and website. The original of this document shall be kept in the Board's agency file and its contents may be disclosed to the public upon request.
17. If licensee seeks to remove the limitation on her license, the respondent will make such a request in writing, and she will have the opportunity at that time to prove her fitness to practice nursing.

By their signatures, the parties hereby acknowledge this agreement.

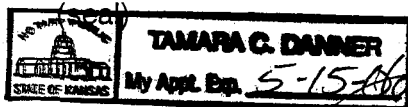
**IT IS SO ORDERED.**

\_\_\_\_\_  
Terry Beck, Hearing Officer

\_\_\_\_\_  
Sheila Nicholson  
Respondent  
425 W. Decker St.  
New Strawn, KS 66839-9045

State of Kansas )  
County of Coffey ) SS

Subscribed to before me by Sheila Nicholson 3-24, 2004.



\_\_\_\_\_  
Signature of Notary Public

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

**CERTIFICATE OF SERVICE**

On the 2nd day of April, 2004, I mailed a copy of this document to:

Sheila Nicholson  
425 W. Decker St.  
New Strawn, KS 66839-9045

\_\_\_\_\_  
Betty Wright, Assistant Attorney General