

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED
AUG 2 2006
KSBN

IN THE MATTER OF
SHERYL L. THOMPSON
License No. 13-083557-042

Case No. 03-387-7

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 31st day of July, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Sheryl L. Thompson, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

AGREED FINDINGS OF FACT

1. Respondent's license to practice nursing in Kansas lapsed on 4/30/2004. The respondent submitted an application for reinstatement of her license to practice nursing in Kansas. 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 HC 67 Box 5, Canadian, OK 74425.
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) Respondent was employed as a nurse at Mid-America Rehabilitation Hospital, Overland Park, Kansas from 3/4/2003 to 7/2/03. K. Session, an RN working with respondent reported unauthorized narcotics being checked out of the Pyxis system with Session's password. Session advised that this occurred on 6/23/2003, 6/27/2003, and 6/28/2003.

(b) S. Bateson, RPh conducted a review of the system. Bateson found several days that Session's password was used to remove narcotics from the Pyxis system on days that Session did not at work. Bateson found that the only nurse working that area all of the above dates was the respondent.

(c) Other staff report that on or about 6/28/2003 in the morning the respondent seemed. But later that date the respondent had changes in her behavior. Staff reported respondent was diaphoretic, had dilated pupils and no train of thought. Staff noted that respondent stood behind others that were entering information the Pyxis system as if she were attempting to observe passwords.

(d) S. Pinney, RN Supervisor advised that on or about 6/28/2003 in the AM respondent was fine. At lunch respondent left the facility. After lunch respondent was diaphoretic, eyes heavy and respondent could not keep them open. Respondent stated that she was just tired. Pinney was later called by another nurse to go into one of respondent's patient's room. The patient had just returned from a procedure and was lying backwards in the bed, (head at foot of bed) and respondent was messing with the controls. Respondent said that the bed was not working. Pinney stated that the patient was backwards in bed and respondent stated that she knew that, but the bed would not work. Pinney repositioned the patient and the bed worked fine. Pinney advised the respondent's eyes were very droopy and her pupils were pinpoint. Pinney asked respondent if she had taken any medications and respondent said no, not even her prescribed Xanax and Zoloft.

(e) Respondent asked Pinney for some normal saline eye drops and when given to her respondent just stared at them. Pinney told respondent to call for a ride and go home. While respondent was giving Pinney a report she fell asleep and kept calling her Stacy instead of Sue.

(f) Respondent was referred to [REDACTED]
[REDACTED] Respondent's [REDACTED] case was closed for non-compliance.

(g) Respondent's Kansas nursing license lapsed on or about 4/30/2004. Respondent submitted an application to the Board for reinstatement as a registered nurse in the State of Kansas on 10/5/2005.

7. The above incidents are violations of the nurse practice act. The respondent agrees that the board is prepared to prove that respondent has violated:

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 (n), diverting drugs, supplies, or property of any patient or agency; K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient; 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.

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)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (n), diverting drugs, supplies, or property of any patient or agency.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

Count 4: 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

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 this Consent Agreement will continue through any renewal periods of respondent's nursing license until respondent completes each of the conditions and requirements of this agreement. Upon the parties entering into this Consent Agreement and with the respondent having met all statutory requirements for reinstatement of

respondent's Kansas Nursing license, the **respondent's application for reinstatement of respondent's Kansas Nursing license will be granted once the respondent has entered the Kansas Nurses Assistance Program (KNAP) and remained compliant in the KNAP program for three months.** Said license will be suspended, designated on the license with an "S" but such suspension shall be stayed and respondent will be allowed to practice under the following conditions:

(a) Respondent shall **receive a license card which shall be issued with an "S" placed in the status code portion of the license card to indicate that the license is suspended.** The suspension will be stayed as long as requirements within this agreement are met. The **card will have an "L" indicating the limitations on the practice.**

(b) Respondent **shall have a narcotic key restriction on respondent's license for the first six (6) months after respondent 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, respondent may request that the narcotic key restriction be removed from respondent's license. Respondent's request shall include written verification from respondent's 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 respondent's license and respondent will be issued a license card with no limitations on the practice.

(c) Respondent will participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor respondent and for KNAP to report information to the board. Respondent will be deemed to have completed the KNAP program when KNAP issues written notification that respondent has completed the program. Noncompliance with KNAP is a violation of this agreement.

(d) Respondent must submit to random drug screens as determined or selected by the Board or by KNAP. The costs of the drug screens will be paid by the respondent. Respondent agrees that a Positive Drug Screen is a violation of this agreement.

(e) Respondent shall immediately notify the Legal Division of any use of alcohol, if prohibited by KNAP, or controlled substances, or any violation of this Consent Agreement and Final Order.

(f) The respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order.

(g) Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.

(h) Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.

(i) Respondent shall not violate the laws of the United States, of State, or of any political subdivision of any State during the term of this agreement. Traffic infractions shall not be considered violations of the law.

(j) Respondent agrees to notify the Legal Division of any changes in address and phone number as well as all employment terminations or employer changes or additions. All such notifications shall be made in writing within fourteen (14) days of such a change.

(k) Respondent is responsible for the costs related to satisfying these conditions and requirements.

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

15. The Board will inactivate this case file once respondent satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against respondent's license for any additional or cumulative violation of the Nurse Practice Act committed by the respondent before or after this agreement is entered into.

16. This agreement is a contract entered into by the parties to resolve a Summary Denial of reinstatement case. 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 respondent 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 and the case will be inactivated.

19. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

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

IT IS SO ORDERED.

Sheryl L. Thompson must sign before a Notary Public.

Sheryl L. Thompson
Respondent
HC 67 Box 5
Canadian, OK 74425



State of ~~Kansas~~ ^{OKLAHOMA}, County of PITTSBURG ss.

SUBSCRIBED AND SWORN TO before, me by Sheryl L. Thompson

on this 24th day of JULY, 2006.

Signature of Notary Public

My Commission Expires 4.6.08
(Notary Public Seal)

Mark 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 2nd day of August, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Sheryl L. Thompson
HC 67 Box 5
Canadian, OK 74425

Mark A. Knight, #12183
Assistant Attorney General
