

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING FEB 6 2007

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

KSBN

IN THE MATTER OF
SUSAN M. MEEKER
License No. 13-087108-022

Case No. 06-738-9

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 1st day of Feb., 2007, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Susan M. Meeker, represented by Peter J. Paukstelis, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

FINDINGS OF FACT

1. Respondent is licensed to practice nursing in Kansas through 2/28/2008. 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 201 Lockett Ln., Saint George, KS 66535.
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 is established.
6. After an investigation, the Board's investigative committee found:

(a) In July of 2006 Respondent was employed as a nurse at Mercy Regional Health Center, Manhattan, Kansas. On or about 7/18/2006 while on duty at Mercy Regional Medical Center, Respondent was caring for patient RL. RL had been admitted to Mercy Regional Medical Center for IV fluid rehydration as she was thirty plus weeks pregnant, with abdominal pain and reoccurring vomiting.

(b) On or about 7/18/2006, while on duty at Mercy Regional Health Center, Respondent administered Crucial (enteral) to RL, via a peripherally inserted central catheter or PICC line. PICC is a form of intravenous access. Crucial (enteral) is a nutritional supplement that is to be administered via feeding tube and not a PICC line. Crucial is packaged with warning labels stating "NOT for IV use." There were no physician's orders for Crucial (enteral) to be administered to R.L. on 7/18/2006. R.L. developed complications and died on or about 7/18/2006.

(c) On or about 9/25/2006 Respondent advised KSBN Investigator Karen Peschka that when Respondent administered the Crucial (enteral) to RL via the PICC line she thought it was TPN. TPN is a nutrition product administered via intravenous injection. Respondent stated that RL had been on TPN on a prior admission to Mercy Regional Medical Center. Respondent advised that there was a physician order for a dietary consult to assess the TPN. Respondent stated she assumed the dietary consult had been done. Respondent stated she assumed she was to administer the TPN. Respondent advised that she thought the Crucial (enteral) was TPN. Respondent advised that there was no physician order for the TPN to be administered.

7. The above incidents, if proven, 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)(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 (a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed; K.S.A. 65-

1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(1), one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by 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.

9. In lieu of proceeding to a full hearing, Respondent acknowledges the above statement of facts and violations. Respondent does not admit to, but does not contest the above statement of facts and violations. Respondent understands that by not contesting the above statement of facts and violations that the Board will find violations of the Kansas Nurse Practice Act. Upon a finding of a violation of the Kansas Nurse Practice Act, the Board will take action against the Respondent's license to practice nursing in Kansas.

CONCLUSIONS OF LAW

10. 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 is established.

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

Count 1: 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 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

Count 3: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(1), one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board.

POLICY STATEMENT

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

DISPOSITION

13. 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 and K.S.A.77-501 et seq. and to judicial review.

14. 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. Further, the parties agree that in the event of a lapse of Respondent's nursing license, reinstatement of Respondent's nursing license shall be contingent upon this Consent Agreement and Final Order remaining in effect until Respondent completes each of the conditions and requirements of this agreement.

15. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the **Respondent's license to practice nursing in Kansas is suspended effective February 1, 2007. Respondent's license to practice nursing in Kansas will remain suspended until September 30, 2007.** Respondent will not be allowed to practice nursing in the state of Kansas during the period of suspension.

16. The Kansas State Board of Nursing will not take additional disciplinary action against respondent's nursing license for the violations stated above as long as respondent completes each of the following conditions and requirements:

(a) **Respondent shall return her current license card to the Board by 2/1/2007.**

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.

(b) **The respondent will complete six (6) hours of Continuing Nurses Education (CNE) on the topic of "IV Therapy." Respondent is to submit the original certificates for proof of the completion of the hours by June 1, 2007.** Respondent may not use these hours to meet the CNE requirements of any renewal period.

(c) **The respondent will complete six (6) hours of Continuing Nurses Education (CNE) on the topic of "Parental (enteral) nutrition." Respondent is to submit the original certificates for proof of the completion of the hours by June 1, 2007.** Respondent may not use these hours to meet the CNE requirements of any renewal period.

(d) **The respondent will complete two (2) hours of Continuing Nurses Education (CNE) on the topic of "Kansas Nurse Practice Act." Respondent is to submit the original certificates for proof of the completion of the hours by June 1, 2007.** Respondent may not use these hours to meet the CNE requirements of any renewal period.

(e) **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 to pay the cost of this action.

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

(h) 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.

17. Respondent is responsible for the costs related to satisfying these conditions and requirements.

18. If Respondent does not meet these conditions and requirements, the 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 Consent Agreement, but Respondent could not contest the violations listed in this agreement.

19. All parties understand that if an action based on failure to meet the conditions and requirements of this Consent Agreement is filed, K.S.A. 77-531 requires the Notice of Hearing to be served upon the Respondent and the Respondent's attorney of record, if any. All parties agree that only serving the Notice of Hearing upon the Respondent will be proper service and it is the Respondent's responsibility to contact his or her attorney, if any, in reference to the action.

20. 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 Kansas Nurse Practice Act committed by the Respondent before or after this agreement is entered into.

21. This agreement is a discipline and must be reported on any future renewal applications. This agreement is a contract entered into by the parties to resolve an investigative case. The original of this agreement shall be placed in the Agency Record and is a public record.

22. By signing this Consent Agreement and Final Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its

terms. This Consent Agreement and Final Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties.

23. Nothing herein shall be construed as an admission by Respondent regarding the alleged facts described in this Consent Agreement and Final Order.

24. After successful completion of all of the conditions and requirements of this Consent Agreement by the Respondent, the Consent Agreement will be satisfied and the case will be inactivated.

25. 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.

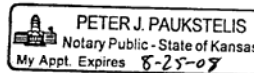
Susan M. Meeker
Respondent
201 Lockett Ln.
Saint George, KS 66535

Susan M. Meeker must sign before a Notary Public.

State of Kansas, County of Riley ss.
SUBSCRIBED AND SWORN TO before, me by Susan M. Meeker

on this 17th day of January, 2007.

Signature of Notary Public My Commission Expires 8-25-08
(Notary Public Seal)



Peter J. Paukstelis, #
Counsel for Respondent
403 Poyntz Ave. Suite A
Manhattan, KS 66502

Mark A. Knight, #12183
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230



Sandra L. Cannon, Hearing Officer

