

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

APR 2 2008

**IN THE MATTER OF
RACHEL A. LOSURE
License No. 13-090941-052**

Case No. 06-059-7, 05-919-7 **KSBN**

**VOLUNTARY CONSENT AGREEMENT TO SURRENDER
AND REVOKE LICENSE AND FINAL ORDER**

NOW ON THIS 31st day of March, 2008, the Kansas State Board of

Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Licensee, Rachel A. Losure, 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

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee is licensed to practice nursing in Kansas through 5/31/2008. The Kansas State Board of Nursing (KSBN) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is 563 Lowell Avenue, Kansas City, Kansas 66101.
3. 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.
4. The Board previously requested a petition to be filed to take disciplinary action against the licensee's license and the licensee entered into a Consent Agreement with the Board on August 31, 2007. The licensee is no longer able to meet the conditions of the Consent Agreement and Final Order and is not currently participating in the Kansas Nurse Assistance Program due to her inability to practice nursing. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. The licensee is unable to complete the Consent Agreement previously entered into on August 31, 2007 and the Board intended to file a petition to lift stay of suspension and/or revocation. The licensee would have a right to a hearing on the petition to lift stay. The licensee previously agreed in the Consent Agreement not to contest the facts and violations of K.S.A. 65-1120(a) listed in the August 31, 2007 agreement. The licensee could provide evidence as to why the stay of suspension should not be lifted.

6. Licensee has the right to a hearing and the right to seek review of the findings from a hearing in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Licensee is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude any Board action pending at this time against licensee's license.

7. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.

8. (a) Licensee entered into a Consent Agreement and Final Order with the Board on or about August 31, 2007. Upon signing the agreement the licensee agreed to the following facts:

(b) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(c) [REDACTED]

[REDACTED]

Licensee admitted to abusing alcohol, marijuana, nicotine, cocaine, heroin, LSD and

methamphetamine. [REDACTED]
[REDACTED]

(d) A statement of understanding was signed by Licensee with [REDACTED] on 6/1/2005. Respondent contacted [REDACTED] but [REDACTED] P had a prior referral by Risk Management. Licensee tested positive on 12/29/2005 for cocaine.

(e) [REDACTED] letters were received in this case as follows:

[REDACTED]

- 9/19/2005 reported Licensee self reported r [REDACTED] on 9/15/2005.

- 11/1/2005, Licensee reported her UA would not be clean because she had relapsed on cocaine.

- 11/15/2005, Licensee was extended in [REDACTED] P until 11/1/2008 and required to go to inpatient if respondent relapsed again.

- 12/21/2005, to Licensee's employer indicating licensee had a six (6) month key restriction and is in compliance with [REDACTED]

- 1/10/2006, Licensee relapsed on cocaine a [REDACTED]

- 2/16/2006, [REDACTED] extended Licensee's participation in [REDACTED] P to 1/4/2009.

(f) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] She has relapsed in 2006 and 2007 several times, she has not been compliant with drug testing, [REDACTED] Her participation in [REDACTED] P has been extended again to March 6, 2010.

The following issues have arisen since the licensee entered into the Consent Agreement and Final Order on August 31, 2008:

(g) Licensee has been diagnosed with Hepatitis C and is currently not able to work as a nurse. Licensee reports she is unable to participate in [REDACTED] due to her illness. She has not been compliant since approximately November 2007.

7. 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 (s) failing to complete the requirements of the impaired provider program of the board.

CONCLUSIONS OF LAW

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.

9. 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 (s) failing to complete the requirements of the impaired provider program of the board.

Count 3: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3) and K.S.A. 65-4921 through K.S.A. 65-4930, a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

POLICY STATEMENT

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

DISPOSITION

11. Based upon this agreement, the parties agree that Licensee is surrendering licensee's license to practice nursing in the state of Kansas.
12. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Licensee's license to practice nursing in Kansas is immediately revoked. Licensee shall not practice nursing in the state of Kansas.
13. Upon signing this agreement and returning it to the Board, licensee shall return licensee's license card with the agreement.
14. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. 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.
15. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.
16. 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.
17. By their signatures, the parties hereby acknowledge this agreement.

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

IT IS SO ORDERED.

Rachel A. Losure must sign before a Notary Public.

Rachel A. Losure
Licensee
563 Lowell Ave
Kansas City, Kansas 66101

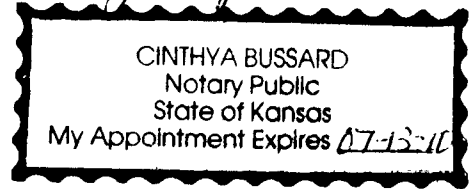
State of Kansas, County of Wyandotte ss.

SUBSCRIBED AND SWORN TO before, me by Rachel A. Losure

on this 21st day of March, 2008.

Cynthia Bussard
Signature of Notary Public

My Commission Expires July 13th, 2010
(Notary Public Seal)



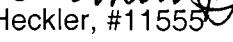
Alma A. Heckler, #11555
Assistant Attorney General

Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 20 day of April, 2008, I mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Rachel A. Losure
563 Lowell Ave.
Kansas City, Kansas 66101


Alma A. Heckler, #11555
Assistant Attorney General