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BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

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IN THE MATTER OF
KIMBERLY M. MOORE
License No. 13-105030-081

Case No. 10-082-8

FINAL ORDER AND CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE

NOW ON THIS 4th day of April, 2012, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Licensee, Kimberly Moore, 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 8/31/2013. 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 3613 SE 30th Terrace, Apt. 102, Topeka, Kansas 66605.
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 filed an amended petition to take disciplinary action against the licensee's license on or about 1/11/2012.

5. An amended petition was filed by the Board, and 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).

6. Licensee has the right to these hearings and the right to seek review of the findings from the hearings 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 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. In the Amended Petition filed 1/11/2012, to take disciplinary action against the licensee's license.

(a) Licensee has twice entered into the Kansas Nurse Assistance Program (KNAP). Respondent self-referred on or about 4/25/2005 and completed the program on 4/25/2008.

(b) Licensee was referred a second time to KNAP by St. Francis Hospital in Topeka, Kansas. Licensee admitted to staff and personnel at St. Francis Hospital in Topeka, Kansas that she diverted narcotics, including lortab, percocet and oxycodone and was caught by pharmacy staff attempting to pass a forged script. St. Francis terminated her employment on or about 12/30/2009.

(c) Licensee entered KNAP on or about 3/19/2010 with an estimated completion date of 3/19/2013 Licensee was unsuccessfully discharged from KNAP on or about August 25, 2011 due to her failure to update her prescriptions, several positive Urinary Drug Screens and missed drug tests.

(d) Licensee contacted the Kansas Board of Nursing and was allowed to reenter KNAP. She was notified by letter dated September 15, 2011 and given fifteen (15) days from the date of the letter of September 15, 2011 to contact KNAP . Licensee failed to contact KNAP and her KNAP case was once again closed on October 18, 2011.

(e) Licensee attended the prehearing in this matter on February 28, 2012 and announced her intention to surrender her license to practice nursing in the state of Kansas.

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. Licensee has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

Count 2: 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 3: K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d);

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110 (s).

POLICY STATEMENT

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

DISPOSITION

12. Based upon this agreement and final order, the parties agree that Licensee is surrendering licensee's license to practice nursing in the state of Kansas.

13. 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.

14. Upon signing this agreement and returning it to the Board, licensee shall return any license cards in her possession with the agreement.

15. 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. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Final Order and Consent Agreement to Surrender and Revoke is the date shown on the certificate of service.

16. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violatins 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.

17. 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.

18. By their signatures, the parties hereby acknowledge this agreement.

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

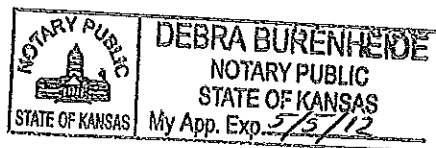
IT IS SO ORDERED.

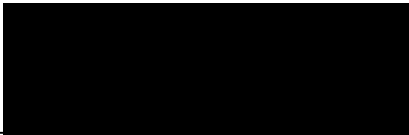
[Redacted Signature]

Kimberly Moore
Licensee
3613 SE 30th Terrace, Apt. 102
Topeka, Kansas 66605

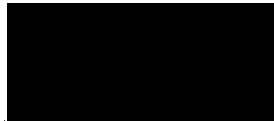
[Redacted Signature]

for a Notary Public.





Alma A. Heckler, #11555
 Assistant Attorney General
 Kansas State Board of Nursing
 Landon State Office Building
 900 SW Jackson #1051
 Topeka, KS 66612



Sandra Sharon, Presiding Officer

Pursuant to K.S.A. 77-527, either party may request a review of this final order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed with 15 days from the date this final order was served. Failure to timely request a reconsideration by the Kansas State Board of Nursing may preclude further judicial review. The petition for reconsideration shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

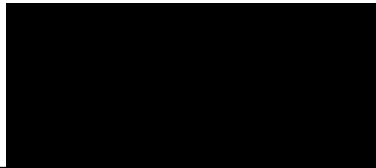
Pursuant to K.S.A. 77-531, if the final order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for reconsideration is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 5th day of April, 2012, I mailed a copy of this FINAL ORDER AND CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE to:

Kimberly Moore
~~3613 SE 30th Terrace, Apt. 102~~ 620 W 3rd
~~Topeka, Kansas 66605~~ Topeka KS 666136



Alma A. Heckler, #11555
 Assistant Attorney General