

15BN0076

7/28

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAY 08 2015

**IN THE MATTER OF
JENNIFER E. STRASSER
License No. 13-110562-052**

KSBN

FILED OAH

Case No. 13-1589-8

11 MAY '15 PM 2:04

INITIAL AGREED ORDER

NOW ON THE 9th day of may, 2015, THE ABOVE MATTER COMES BEFORE THE Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposed to find facts and take disciplinary action against the Licensee by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Respondent, Jennifer E. Strasser, is licensed to practice nursing in Kansas. The Board has jurisdiction over the Licensee and the subject matter of the action.
2. Applicant's address of record is 121 N. 250th, Mulberry, Kansas 66756.
3. The case was submitted to the Investigative Committee on the 9th of December, 2013.
4. Review of the investigation and other information gathered by the Board revealed the following information upon which the action is based.
5. 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 the matter for further proceedings.
6. 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.

7. A Summary order may be to revoke licensee's license as disciplinary action against the licensee's license.

8. The above incidents are violations of the nurse practice act. The Respondent agrees that the board is prepared to prove that respondent has violated the act and stipulates to the allegations alleged in the Petition.

Respondent has violated the Kansas Nurse Practice Act as follows:

9 Count 1: K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (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;

Count 2: K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (e)(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

Count 3: K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(t) failing to furnish the board, its investigators, or its representatives with any information legally requested by the Board.

10. The facts below are common to all counts:

(a) Respondent was employed by via Christi Hospital in Pittsburg, Kansas from 1/9/2009 to 5/8/2013. Her employment was terminated due to a medication error.

(b) Respondent cared for a patient with a CADD pump with Fentanyl infusing for pain control.

(c) The Respondent acknowledged giving the patient a "bolus" of fentanyl on 5/3/2013 by accident when she was attempting to remove an air bubble from the tubing.

(d) She stated she knew she should have disconnected the tubing from the patient before she attempted to remove the air bubble.

- (e) On 5/4/2013 she repeated the mistake and again gave the patient a bolus of Fentanyl.
- (f) The patient became unresponsive and coded.
- (g) The patient received a total of two doses of Narcan before the patient became responsive.
- (h) Respondent did not express remorse or take responsibility for her repeated errors.
- (i) Respondent's employment was terminated by Via Christi because she was under an employee performance plan at the time of the over doses.
- (j) She had failed to perform up to expectations on multiple orders and on different patients.
- (k) Respondent has failed to respond to the investigator or to Board counsel.

11. 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 the agreement instead of proceeding to such a hearing.

CONCLUSIONS OF LAW

12. 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.

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

Count 1: K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (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;

Count 2: K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (e)(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

Count 3: K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(t) failing to furnish the board, its investigators, or its representatives with any information legally requested by the Board.

POLICY STATEMENT

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

DISPOSITION

14. By entering into the Initial Agreed Order and consenting to the entry of the Initial 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.

15. Based upon the agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the Initial Agreed Order will continue through any renewal periods of respondent's nursing license until respondent completes each of the conditions and requirements of the 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 the Initial Agreed Order remaining in effect until Respondent completes each of the conditions and requirements of the agreement.

16. Based upon the 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 will be suspended for six (6) months and this suspension will be stayed providing she is in compliance with the terms and conditions of this agreement.

17. 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 will complete a Kansas State Board of Nursing approved refresher course.
- (b) After completion of the refresher course, licensee would have no unsupervised practice for a period of one year.
- (c) Respondent shall immediately notify the Legal Division of any use of alcohol or controlled substances, or any violation of the Initial Agreed Order.
- (d) The respondent shall immediately inform all medical or health related employers and prospective employers of the Initial Agreed Order and not work in agency or unsupervised positions.
- (e) Respondent will Submit Reports from the respondent's employer to the attention of the Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 1051, Topeka, Kansas 66612-1230 on the following schedule: First report will be due on June 10th, 2015 and the 10th of every third month until four (4) reports have been submitted. These reports are performance reports while in a position that requires a nursing license.
- (f) Respondent shall send a money order for \$100 to the Board upon entering into the agreement to pay the cost of the action.
- (g) Respondent shall not violate the Kansas Nurse Practice Act during the duration of the 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 the agreement. Traffic infractions shall not be considered violations of the law. Licensee is to provide KSBN a copy of her driver's license folder (the form to request DL information has been provided this licensee).

(i) 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 within 90 days of the agreement. Respondent will complete 3-6 hours of CNE on the topic of Documentation, 3-6 hours of CNE on the topic of Medication Administration and 3-6 hours of CNE on the topic of Professional Accountability. Respondent may not use these hours to meet the CNE requirements of any renewal period.

(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.

18. Respondent acknowledges and agrees that Respondent is responsible for the costs related to satisfying the conditions and requirements of the Initial Agreed Order. Respondent further acknowledges and agrees that to provide the Board with false information regarding compliance with the Initial Agreed Order is a violation of the Initial Agreed Order.

19. 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 the Initial Agreed Order, but Respondent could not contest the violations listed in the agreement.

20. All parties understand that if an action based on failure to meet the conditions and requirements of the Initial Agreed Order 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 her or her attorney, if any, in reference to the action.

21. Respondent acknowledges and agrees that if any action based on failure to meet the conditions and requirements of the Initial Agreed Order is filed during the term of the Initial Agreed Order, or within 30 days after the expiration date, the conditions of the Initial Agreed Order shall continue in effect until the Board or a hearing/presiding officer designated pursuant to K.S.A. 77-514 and K.S.A. 77-526, rules on the action.

22. Respondent acknowledges and agrees that upon a finding of Respondent not complying with any of the conditions or requirements of the Initial Agreed Order the stay on the Suspension of Respondent's license to practice nursing in the State of Kansas will be removed from the date of said finding. Respondent will not be allowed to practice nursing in the state of Kansas during the period of suspension. Respondent acknowledges and agrees that all conditions and requirements of the Initial Agreed Order remain in effect during the period of suspension.

23. Respondent acknowledges and agrees that the Suspension will be extended due to a finding of non-compliance with any of the conditions or requirements of the Initial Agreed Order, the Suspension will not be Stayed until the Respondent has, following the prescribed time period of suspension, provided written verification to the Board that Respondent is in compliance and has remained in compliance during the period of suspension, with all conditions and requirements of the Initial Agreed Order. Upon the Respondent providing said written verification the suspension will be stayed.

24. The Board will inactivate the case file once respondent satisfies the agreement. The 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 the agreement is entered into.

25. The agreement is a discipline and must be reported on any future renewal or reinstatement applications. The agreement is a contract entered into by the parties to resolve

an investigative case. The original of the agreement shall be placed in the Agency Record. The Agreement is a public record and will be reported to national disciplinary data banks.


26. After successful completion of all of the conditions and requirements of the Initial Agreed Order by the respondent, the Initial Agreed Order will be satisfied and the case will be inactivated.

27. By signing the Initial Agreed Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. The Initial Agreed Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties. The effective date of the Initial Agreed Order is the date shown on the certificate of service.

28. 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 the INITIAL AGREED ORDER.

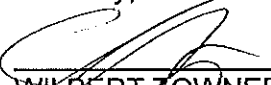
IT IS SO ORDERED.



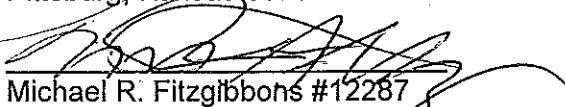
Respondent
Jennifer E. Strasser
121 N. 250th
Mulberry, Kansas 66756

Linda L Kramer
Notary Public
State of Kansas
My Appt. Exp. 3/25/18
must sign before a Notary Public.





WILBERT TOWNERS 17692
Attn: Steven A. Stockard
506 North Pine Street
Pittsburg, Kansas 66762



Michael R. Fitzgibbons #12287
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 the 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 the 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, the initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 14th day of May, 2015, I mailed a copy of the INITIAL AGREED ORDER:

Jennifer E. Strasser
121 N. 250th
Mulberry, Kansas 66756

WILBERT TOWNERS
Attn: Steven A. Stockard
506 North Pine Street
Pittsburg, Kansas 66762

Michael R. Fitzgibbons, #12287
Assistant Attorney General