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BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

IN THE MATTER OF MAXINE MAY SHORES

MAY 13 2014

FILED OAH

License No. 13-113783-121

KSBN

8 MAY '14 PM 1:50

Case No. 13-812-5

INITIAL AGREED ORDER

NOW ON THE 8th day of May, 2014, 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, Maxine May Shores, has an application for reinstatement pending. The Board has jurisdiction over the Licensee and the subject matter of the action.
2. Applicant's address of record is 234 6th Street Apt 12, Seal Beach, CA 90740.
3. The case was submitted to the Investigative Committee on the 16th day of September, 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) A Petition was filed in April, 2014 to take disciplinary action by denying reinstatement application submitted.

(b) This matter was set for Prehearing on the 30th of September, 2014 at 9:00am.

FACTS COMMON TO ALL COUNTS

8 The facts below are common to all counts:

(a) According to a report, it is alleged that while you were employed by Wesley Medical Center, Wichita, Kansas, you administered two Coumadin doses to a patient with a therapeutic INR.

(b) Medication doses were ordered held and patient subsequently discharged to nursing home.

(c) Patient returned to ED one day later and expired.

(d) This incident allegedly occurred on or about the 30th day of January, 2013.

(e) Investigator made efforts to contact licensee and there were no responses.

(f) Licensee license was revoked by Summary Order for failure to respond in October, 2013.

VIOLATIONS

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

Count 1 K.S.A. 65-1120 (3) to have committed an act of professional incompetency as defined in subsection (e) (1) one or more instance 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 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

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

10. 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

11. 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

POLICY STATEMENT

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

DISPOSITION

13. 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.

14. Based upon the agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, 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 be reinstated to practice nursing in Kansas and immediately suspended for a period six (6) months from the date of this agreement. The suspension will be stayed as long as Respondent maintains compliance with this agreement.

15. The Kansas State Board of Nursing will grant the Respondent's request relief from the suspension and 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) The Kansas State Board of Nursing will reinstate her license as long as licensee meets the following requirements:

(b) Licensee will pay costs of the action in the amount of \$70 upon entering this diversion agreement.

(c) The respondent will complete the following Continuing Nurse Education (CNE) within ninety days of the effective date of this Agreement:

a. 2 hours on the Kansas Nurse Practice Act (which may be accessed through the Via Christi web site at www.via-christi.org/cne or call 316-291-7872), 3-6 hour CNE on Safe Medication, 3-6 hours on Patient safety and 3-6 hours CNE on PT/INR lab values

b. Respondent shall not use these hours to meet the CNE requirements of any renewal period and will write a letter of explanation of the incident at Wesley Hospital.

c. If employed in nursing, Respondent will provide employer quarterly reports beginning June 10th, 2014 and continuing until four reports are submitted

d. Licensee shall not violate the Kansas Nurse Practice Act during the term of this agreement.

e. Licensee 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.

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

g. 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, 2014 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

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

(i) 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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 constitutes 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.

24. 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.



[Handwritten signature]

_____ must sign before a Notary Public.

Respondent
Maxine May Shore
234 6th Street Apt 12
Seal Beach, CA 90740

[Handwritten signature]
C Branden Madrid
Notary Public

[Handwritten signature]

Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

[Handwritten signature]

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 13th day of May, 2014, I mailed a copy of the INITIAL AGREED ORDER:

Maxine May Shore
234 6th Street Apt 12
Seal Beach, CA 90740

[Handwritten signature]

Michael R. Fitzgibbons, #12287
Assistant Attorney General

CERTIFICATE OF ACKNOWLEDGMENT

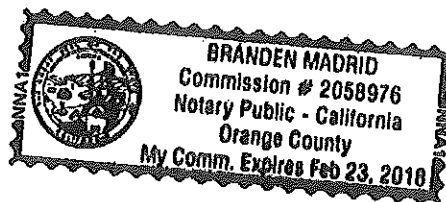
State of California)
County of Orange)

On May 5th 2014 before me, Branden Madrid ^{Notary Public}
Date (Here insert name and title of the officer)
personally appeared Maxine Snoves
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person (s) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s), or the entity upon behalf of which the person (s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature _____

A handwritten signature in black ink, appearing to be 'BM', written over a horizontal line.

Signature of Notary Public

Place Notary Seal Above