

FILED

AUG 18 2014

KSBN

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF JESSICA LeANN FRENCH**

**License No. 13-122853-111**

**Case No. 13-1967-8**

**INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE**

NOW ON THIS 18<sup>th</sup> day of August, 2014, the Kansas State Board of Nursing, represented by Assistant Attorney General, Michael R. Fitzgibbons, and the Licensee, Jessica LeAnn French, 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 November 2015. 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 303 S. 3<sup>rd</sup> Street P.O. Box 372 Carbondale, Kansas 66414.
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 has requested a petition be filed to take disciplinary action against the licensee's license.

5. The petition would be 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. A petition would be filed to take disciplinary action against the licensee's license as authorized by the Board.
  - a. According to a report, it is alleged that licensee self referred to KNAP because she confessed to her supervisor that she was addicted to opiates
  - b. Licensee signed a three year contract with KNAP on the 21<sup>st</sup> day of October, 2013.
  - c. Licensee failed to provide at UDS on the 3<sup>rd</sup> day of January, 2014.
  - d. Licensee attempted to forge her 12 step sheets and was notified of her non compliance on the 6<sup>th</sup> day of January, 2014.
  - e. On the 18<sup>th</sup> day of April, 2014, licensee tested positive for Morphine and licensee was notified to immediately cease until she was re evaluated and a safe to practice statement is received
  - f. On the 1<sup>st</sup> day of May, 2014, her KNAP case was closed as unsuccessful.
  - g. At the time of this closure, licensee stated to KNAP that she wished to surrender her license.
  - h. Licensee stated that she did not test when selected on the 28<sup>th</sup> day of April, 2014 and did not go to be re evaluated as scheduled.
  - i. Investigator has contacted licensee and she has agreed to surrender her license.

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

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2 K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

Count 3: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

### 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 licensee's license card with the agreement.

15. The Board will report this surrender and revocation to data banks, othis 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 Initial Agreed Order to Surrender and Revoke is the date shown on the certificate of service.

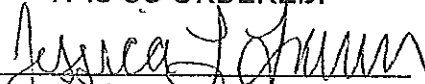
16. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

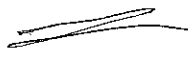
17. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement 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 INITIAL ORDER AND TO SURRENDER AND REVOKE LICENSE .

IT IS SO ORDERED.

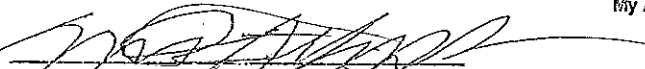
  
Respondent  
Jessica LeAnn French  
303 S. Third Street  
P.O. Box 372  
Carbondale, Kansas 66414

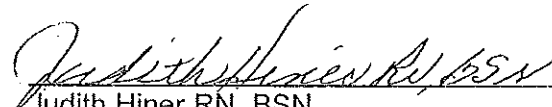
 must sign before a Notary Public. 7-18-14



**Matt Manos**  
Notary Public  
State of Kansas

My Appt. Expires 3-8-2016

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

  
Judith Hiner RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

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 within 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 18<sup>th</sup> day of August, 2014 I mailed a copy of this INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE to:

Jessica LeAnn French  
303 S. Third Street  
Carbondale, Kansas 66414

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General