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BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
Amanda Jo Tyszko f/k/a Amanda Hinrichs**

OAH no. 16BN0089

FILED

AUG 12 2016

License No. 13-121991-091

Case No. 13-1285-9

KSBN

INITIAL AGREED ORDER

The Kansas State Board of Nursing, by and through its counsel, Bryce D. Benedict, and the Respondent, Amanda Tyszko, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

1. Respondent is licensed to practice nursing in Kansas. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
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. 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 this matter for further proceedings.
5. 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 this agreement instead of proceeding to such a hearing.

6. Respondent acknowledges that this agreement is an open record pursuant to the Kansas Open Records Act, K.S.A 45-215 et seq., and may be published or disseminated notwithstanding any state or federal law otherwise restricting public access to, or dissemination of, any personal or health care information, or any information or records of substance abuse evaluation and/or treatment contained herein.

7. By entering into this Initial Agreed Order (Agreement) and consenting to the entry of the Final 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.

8. The Respondent understands that pursuant to K.S.A. 77-515, respondent may be represented, at respondent's expense, by an attorney during these proceedings.

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

10. The respondent stipulates that:

- (a) Respondent was referred to KNAP, the impaired provider program, by the Board of Nursing.
- (b) On or about October 11, 2014 Respondent signed a 1 year contract with KNAP.
- (c) Respondent failed to show for random drug screenings on November 13, 2014, January 30, 2015, and February 2, 2015.
- (d) Respondent was terminated from the KNAP program on or about February 3, 2015 for non-compliance.
- (e) Respondent entered into a Diversion Agreement with the Board on or about December 18, 2015 and was re-referred to KNAP.
- (f) On or about March 4, 2016 the respondent tested positive for methamphetamine.

- (g) KNAP determined the respondent was unsafe to practice as a nurse until she had been re-evaluated.
- (h) The respondent thereafter missed two check-ins for drug screens.
- (i) The Respondent violated the terms of her KNAP contract by failing to inform KNAP of employment changes.
- (j) The Respondent's contract with KNAP was terminated on or about March 17, 2016 for non-compliance.

11. The respondent stipulates that the above incident(s) are violations of the Kansas Nurse Practice Act. The respondent stipulates that he or she committed these violations of the Kansas Nurse Practice Act:

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) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to complete the requirements of the impaired provider program of the Board.

DISPOSITION

12. 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 to practice nursing in Kansas is immediately suspended.

13. Respondent shall participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor respondent and for KNAP to report information to the board. Respondent will be deemed to have completed the KNAP program when KNAP issues written notification that respondent has successfully completed the program.

14. After the respondent has executed a new contract with KNAP and then been compliant with KNAP for six months, she may request the Board to remove the suspension of her license. Respondent acknowledges that any such action is at the discretion of the Board, and if granted the respondent's license may have restrictions attached, which may include a key restriction,

requirements for supervised practice, that quarterly employer reports may be required, or such other conditions that the Board may determine necessary to protect the citizens of Kansas.

15. If Respondent does not comply with KNAP, the Kansas State Board of Nursing may request additional sanctions against Respondent's license. Respondent would be sent notice of such action and would be entitled to a hearing as to whether Respondent had complied with this Initial Agreed Order, but Respondent could not contest the violations listed in this agreement.

16. This 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 this agreement is entered into.

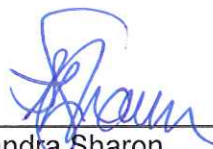
17. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. This agreement is a contract entered into by the parties to resolve an investigative case. The original of this agreement shall be placed in the Agency Record. This Agreement is a public record and will be reported to national disciplinary data banks.

18. By signing this Initial Agreed Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This 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 this Initial Agreed Order is the date shown on the Certificate of Service.

19. 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.

20. Disciplinary counsel shall serve respondent with a copy of this order.

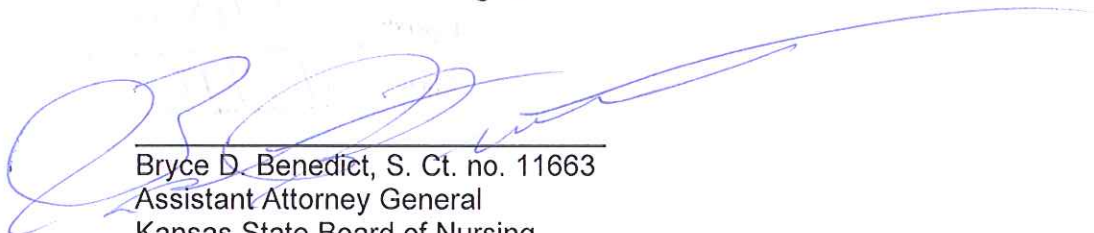
IT IS SO ORDERED.



Sandra Sharon
Administrative Law Judge

APPROVED BY:


Amanda Jo Tyszko



Bryce D. Benedict, S. Ct. no. 11663
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612(785) 296-2512
bryce.benedict@ksbn.state.ks.us

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed with 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review 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.

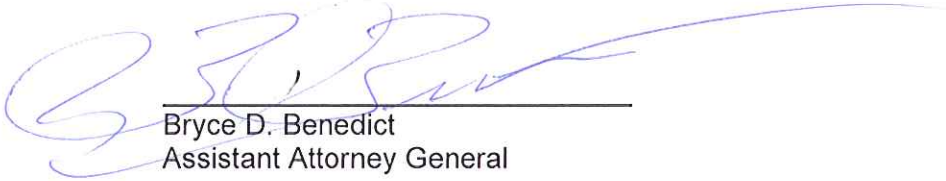
Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for review 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 17th day of August, 2016, I mailed a copy of this INITIAL AGREED ORDER to:

Amanda Tyszko
1309 S. Lincoln
Topeka KS 66604


Bryce D. Benedict
Assistant Attorney General

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

FILED
NOV 25 2015
KSBN

IN THE MATTER OF
Amanda Hinrichs

License No. 13-121991-091
Case No. 13-1285-9

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Bryce D. Benedict, and for its cause of action states that:

1. Respondent, Amanda Hinrichs, is licensed to practice nursing in Kansas through September 30, 2017. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1309 S. Lincoln, Topeka KS 66604.
3. 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 et seq., and referred this matter for further proceedings.
4. 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.

STATEMENT OF FACTS

5. The facts below are common to all counts:
 - (a) On July 2, 2013 Respondent raised her voice and directed profanity several times toward a resident of Golden Living Center in Eskridge, Kansas.
 - (b) Respondent was referred to KNAP by the Board of Nursing.

- (c) On or about October 11, 2014 Respondent signed a 1 year contract with KNAP.
- (d) Respondent failed to show for random drug screenings on November 13, 2014, January 30, 2015, and February 2, 2015.
- (e) Respondent was terminated from the KNAP program on or about February 3, 2015 for non-compliance.

VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to complete the requirements of the impaired provider program of the Board.

Count 2: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: verbal abuse, which shall be defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonably be expected to result in the patient's unnecessary fear, emotional distress, or mental distress.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By: 

Bryce D. Benedict, #11663
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612