

BEFORE THE KANSAS STATE BOARD OF NURSINGLandon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230**KSBN****IN THE MATTER OF
JEANETTE S. NICHOLS
License No. 13-024812-041****Case No. 05-404-6****CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER**

NOW ON THIS 9 day of Sept, 2008, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Licensee, Jeanette S. Nichols, represented by Christopher E. Smith 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 4/30/2009. 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 1607 Fuller St., Winfield, KS 67156.
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 that a petition be filed to take disciplinary action against the licensee's license.
5. Following a petition being filed by the Board, 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 et. seq.

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) On or about 1/13/2005, Licensee was employed as a nurse (RN) at Winfield Rest Haven, Winfield, KS. At the time Licensee was also acting Director of Nursing. On or about 1/13/2005, Licensee contacted a resident of Winfield Rest Haven the resident had a pressure ulcer. Licensee assessed and documented the staging of the pressure ulcer on the Pressure Ulcer Assessment Record. Licensee did not document her assessment in the Nurses Notes in accordance with Winfield Rest Haven policy and procedure.

(b) Subsequently, Licensee's documentation was inappropriately changed by an LPN to an inaccurate lesser severity staging of the ulcer. Licensee became aware of the documentation change and contacted the LPN. Licensee accepted the LPN's assessment of the resident's ulcer staging without seeking clarification from a knowledgeable source. Neither Licensee nor the LPN had adequately maintained competency in assessment of pressure ulcer staging.

(c) Licensee has made know to the Board her desire 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:
- (a) K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.
 - (b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.
 - (c) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(b), assuming duties and responsibilities within the practice of nursing without making or obtaining adequate preparation or maintaining competency.

POLICY STATEMENT

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

DISPOSITION

12. Based upon this agreement, 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, 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 and its contents may be disclosed to the public upon request.
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 CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER.

IT IS SO ORDERED.

Janette S. Nichols
Licensee
1607 Fuller St.
Winfield, KS 67156

[Signature]

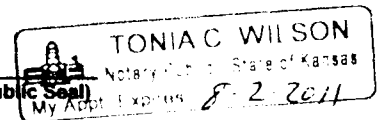
Janette S. Nichols must sign before a Notary Public.

State of Kansas, County of Cowley ss.
SUBSCRIBED AND SWORN TO before, me by Janette K. Bailey

on this 9th day of September, 2006.

[Signature] My Commission Expires
Signature of Notary Public

(Notary Public Seal)



Christopher E. Smith, #18941
Counsel for Licensee
119 S Summit St.
Arkansas City, KS 67005

Mark A. Knight, #12183
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

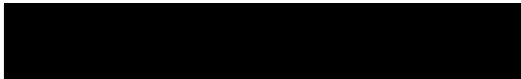
Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 22nd day of December, 2008, I mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Jeanette S. Nichols
1607 Fuller St.
Winfield, KS 67156

Christopher E. Smith, #18941
Counsel for Licensee
119 S Summit St.
Arkansas City, KS 67005



Mark A. Knight, #12183
Assistant Attorney General