

12 BN 0029

FILED OAH
29 AUG '11 AM 10:25

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
EILENE F. CHIPMAN
LICENSE NO. 53-44696-081, 13-27201-081**

CASE NO. 09-796-1

CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER

NOW ON THIS 20th day of August, 2011, the Kansas State Board of Nursing, represented by Assistant Attorney General, Danielle R. Sanger, and the Respondent, Eilene F. Chipman, 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. Respondent is licensed to practice nursing in Kansas through 08/31/2011. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 1502 7th Ave., Dodge City KS 67801.
3. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew licenses 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.
4. The Board has requested that disciplinary action be taken against the Respondent's license.
5. If a petition was filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that Respondent violated K.S.A. 65-1120(a).

Handwritten signature or initials

6. Respondent 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 Kansas Judicial Review Act. Respondent 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 Respondent's license.
7. Respondent understands that pursuant to K.S.A. 77-515, Respondent may be represented, at Respondent's expense, by an attorney during these proceedings.
8. On or about 7/17/2009, the Board received information regarding Respondent, alleging that while employed at Good Samaritan Society, Dodge City Kansas, Respondent failed to assess a patient, M.M., that fell and hit her head on or about 06/11/2009.
9. In a phone interview on 3/2/2011 with RN Investigator Betty Stewart, Respondent was asked if she did a neuro check on patient M.M. Respondent stated that she had not done a neuro-check but had looked at M.M. once. Respondent stated she "did not follow up" and "just did not do documentation."
10. In a letter dated 8/2/2011, Respondent stated, "I wish to resign both my active nursing licenses."

CONCLUSIONS OF LAW

1. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew licenses 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.
2. Respondent has violated the Kansas Nurse Practice Act as follows:
 - a. K.S.A. 65-1120(a)(3): to have committed an act of professional incompetency as defined in subsection (e), by K.S.A. 65-1120(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.

POLICY STATEMENT

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

DISPOSITION

1. Respondent is surrendering Respondent's license to practice nursing in Kansas.
2. Upon signing this agreement and returning it to the Board, Respondent shall not practice nursing in Kansas.
3. The Board will report this surrender and revocation to national data banks and in its newsletter. This is a disciplinary action on Respondent's license. The original of this document shall be kept in the Board's agency file.
4. 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 pursuant to a request.
5. If Respondent does seek reinstatement of Respondent's license, the agreed facts are admitted, and Respondent has waived the right to a hearing on the facts in this matter. However, to receive a reinstatement of Respondent's license, the Respondent will have the opportunity, at that time, to prove Respondent's fitness to practice nursing in Kansas.
6. 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.
7. 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.

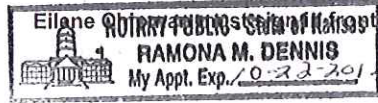
[REDACTED]

Eilene Chipman
Respondent
1502 7th Ave.
Dodge City KS 67801

[REDACTED]

Danielle R. Sanger, #24587
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

[REDACTED]



of a notary public.

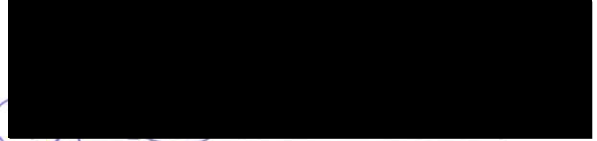
[REDACTED]

Sandra Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 30th day of August, 2011, I certify that I mailed a true copy of this
CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Eilene Chipman
1502 7th Ave.
Dodge City KS 67801



Danielle R. Sanger, #24587
Assistant Attorney General