

BEFORE THE KANSAS STATE BOARD OF NURSING
900 S.W. Jackson, Room 551-S
Topeka, Kansas 66612-1256
913/296-4929

IN THE MATTER)
))
OF))
))
WENDELL P GAFFORD)
_____)

DEC 10 1992 - 7146

Case No. 90-203-3

CONSENT AGREEMENT AND ORDER

NOW on this 23rd day of November,
1992, the above-captioned matter comes before the Kansas
State Board of Nursing, by agreement of Wendell P.
Gafford (Licensee) and the Kansas State Board of Nursing
(Board) for the purpose of settling the above-captioned
case.

The parties hereby stipulate to the following:

I. Licensee is licensed to practice as a
registered nurse anesthetist within the meaning of the
Kansas Nurse Practice Act, K.S.A. 65-1101, et seq., and
amendments thereto, having been granted RN License No.
13-030830-071, and RNA License No. 00061, both having
expiration dates of July 30, 1993.

II. The Board received a complaint alleging
Licensee's conduct violated K.S.A. 1991 Supp. 65-1120(a)(3)
as defined in K.S.A. 1991 Supp. 65-1120(e) and failed to

comply with the duties of a Certified Registered Nurse Anesthetist as set forth in K.S.A. 1991 Supp. 65-1158.

III. The Board conducted an investigation concerning Licensee's alleged conduct and found reasonable grounds to believe that Licensee's alleged conduct violated the Kansas Nurse Practice Act.

IV. Licensee denies the alleged violations and the allegations against the Licensee remain disputed and unproven. Entering into this Consent Agreement and Order does not constitute an admission of such allegations by Licensee.

Licensee and the Board mutually desire to enter into this Consent Agreement and Order in lieu of adjudicative proceedings.

THEREFORE, the Board hereby consents and agrees to dismiss Count I of the Amended Petition.

THEREFORE, Licensee hereby consents and agrees to the following terms and conditions of continued practice as a registered nurse anesthetist:

A. Licensee waives all rights to an adjudication of facts and law which would be determined pursuant to a hearing conducted in accordance with the Kansas Administrative Procedure Act in Case No. 90-203-3.

B. Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review in Case No. 90-203-3.

C. Licensee consents to the following conditions of his continued licensed practice as a registered nurse anesthetist:

1. Licensee agrees to obtain 30 contact hours of approved continuing nursing education (CNE), related to nurse anesthesia, in addition to the 30 hours of CNE as required for authorization to practice by K.S.A. 1991 Supp. 65-1159(a)(1) and K.A.R. 60-13-112. This additional 30 contact hours of CNE shall not include independent study or instructor credit. The additional 30 contact hours of CNE shall be completed and proof thereof provided to the practice specialist on or before September 30, 1993, the renewal date of Licensee's license. Should Licensee be unable to obtain all 30 additional CNE contact hours on or before September 30, 1993 because of unavailability of approved CNE hours, an additional six (6) months will be allowed to obtain these credits.

2. Licensee agrees to the random review of no more than 6 patient charts per 12 month period for the 24 months following the effective date of this Consent Agreement and Order. This random review will be conducted by Pam Horsch, 152 N. Dellrose, Wichita, Kansas 67208, (316)689-8314, (Reviewer), a registered nurse anesthetist.

3. Licensee will be responsible for payment of reasonable professional fees not exceeding \$100.00 per hour, and reasonable expenses incurred by the Board as a

result of the patient chart reviews. The Reviewer shall submit to the Board practice specialist a written report of the case reviews for each of the 12 month review periods. The Practice Specialist shall provide the Licensee with a copy of this report. Should the Reviewer's report indicate that the Licensee significantly deviated from customary practice standards, a hearing will be called before the Board, or its designated presiding officer, to determine whether Licensee has complied with the duties of a registered nurse anesthetist as defined in K.S.A. 65-1158.

4. Should the Board, or its designated presiding officer, determine after hearing that Licensee has violated the duties of a registered nurse anesthetist, it may determine at that time, what discipline, if any, should be imposed.

5. Should Licensee not continue to actively practice as a registered nurse anesthetist throughout the 24 month period following the effective date of this Consent Agreement and Order, the random review provision will not be deemed complied with until a total of 12 cases have been reviewed from 24 months of active practice.

D. Should it be established, after notice and opportunity to be heard, that Licensee violated or failed to comply with this Consent Agreement and Order by failing to obtain the additional hours of continuing nursing education or by failing to pay for the reasonable fees and

expenses incurred by the Board for the patient chart review as hereinabove provided, the Board may suspend the Licensee's registered nurse anesthetist license for such period of time as the Board determines; provided, however, Licensee shall not be deemed to have violated this Consent Agreement and Order if his failure to obtain the additional hours of continuing education within the time limits hereinabove provided is a result of serious illness or disability.

E. Licensee further understands that any future violation of the Kansas Nurse Practice Act, as established after notice and an opportunity to be heard in accordance with the Kansas Administrative Procedure Act, will constitute a violation of this Consent Agreement and Order, and may result in its voidance and imposition of discipline as deemed appropriate by the board.

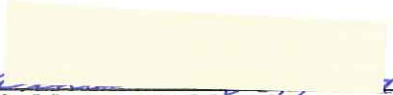
V. Licensee has had the opportunity to read this Consent Agreement and Order and consult with his attorney. Licensee understands the terms of this Agreement and voluntarily enters this agreement in lieu of proceeding to a full hearing on the matter.

VI. This Consent Agreement and Order constitutes the entire agreement of the parties. Licensee consents to the submission of this Consent Agreement and Order to the Kansas State Board of Nursing.


VII. Licensee understands that the Board or its designated presiding officer may accept this Agreement and Order or may modify or reject it. Should the Agreement be modified, Licensee may withdraw his consent and request a full hearing.

VIII. Licensee understands that upon approval by the Kansas State Board of Nursing, this Consent Agreement and Order becomes a final order of the Board.


Oct 30, 1992
Date


Wendell P. Gafford
Licensee


October 30, 1992
Date


Tom A. Williamson
Attorney for Licensee

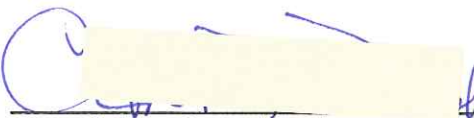
November 4, 1992
Date


Ron Heck
Attorney for Licensee

Nov. 9, 1992
Date


Robert T. Stephan
Attorney General


Nov. 9, 1992
Date


Carol R. Bonebrake
Assistant Attorney General


WHEREFORE, the provisions above are consented to and are hereby made the final order of the Kansas State Board of Nursing.

IT IS SO ORDERED.


Dated this 27th day of November, 1992.


Chairman
Kansas Board of Nursing

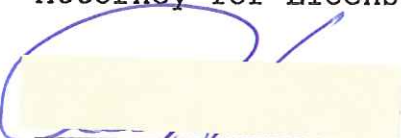
APPROVED AND CONSENTED TO:


Wendell P. Gaffora
Licensee

Date Dec 9, 1992


Tom A. Williamson
Attorney for Licensee

Date Dec 9, 1992


Ron Heck
Attorney for Licensee

Date Dec 8, 1992