

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON RM 551-S
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF:)
)
)
CHERYL DOBSON)
LICENSE NO. 13-033940-052)

CASE NO. 93-0102-0



CONSENT AGREEMENT AND FINAL ORDER

COMES NOW the Petitioner, the Kansas State Board of Nursing, hereinafter referred to as the "Board", by and through Assistant Attorney General Mark S. Braun, and the Respondent, Cheryl Dobson, and respectfully request the Board, or its designee, to approve this Consent Agreement and Final Order as the resolution in this case. By entering into this Consent Agreement and Final Order, both parties waive their right to a full administrative hearing pursuant to K.S.A. 65-1120(b) and K.S.A. 77-523. This Consent Agreement and Final Order affects the Respondent's license to practice as a registered professional nurse (R.N.) in Kansas.

AGREEMENT

It is the intent and purpose of this Consent Agreement and Final Order to provide for settlement of all issues currently before the Board without the necessity of a formal hearing. Respondent knowingly and intelligently waives her right to a hearing on the issues currently before the Board relating to her license. The parties agree as follows:

1. Both parties to this Agreement acknowledge that the Board received information and conducted an investigation as to whether Respondent violated the Kansas Nurse Practice Act. Based on that investigation, there are reasonable grounds to believe Respondent violated the Act.

2. Respondent acknowledges and understands that: she has the right to obtain an attorney and be represented through this matter by an attorney; she has the right to a full and fair hearing on the allegations made by the Petitioner. At such hearing, the Petitioner would be required to present witnesses and evidence in support of the allegations; she has the opportunity to cross-examine Petitioner's witnesses, as well as the opportunity to present witnesses and evidence on her behalf. The matter would be decided on the evidence presented and a decision would include findings of fact and conclusions of law; the right to seek reconsideration of any adverse order issued by the Board and the right to seek judicial review of any adverse Board order or decision. Respondent understands that by entering into this Consent Agreement and Final Order, she is waiving all of the above-mentioned rights.

3. In lieu of proceeding to a full hearing, Respondent stipulates to Paragraph 5 of the Petition. Respondent understands that by stipulating to that paragraph, she is admitting to violations of the Kansas Nurse Practice Act.

4. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent will be issued a license to practice as a

registered professional nurse (R.N.). Said license shall be issued, but shall be suspended for a period of two years from the date the Consent Agreement and Final Order is approved by the Board, or its designee. Said suspension shall be stayed as long as the Respondent meets the following conditions:

- A. A copy of this Order must be furnished to any prospective employer.
- B. Respondent's license card shall indicate that it is "limited" or "restricted." Renewal or reissuance of her license and the ability to continue practicing as a nurse, shall be contingent upon this Consent Agreement and Final Order remaining in effect into the next licensing period.
- C. The Respondent shall cause her employer(s) to submit quarterly reports to The Board's Practice Specialist. Such reports shall include information received about Respondent's work from her closest supervising nurse. Such supervising nurse shall work on the same premises, same unit and same shift as the Respondent. The reports shall include information about Respondent's attendance, quality of work performance and patient care. The first report shall be due by January 20, 1995. The remaining reports shall be due April 20, 1995; July 20, 1995; October 20, 1995; January 20, 1996; April 20, 1996; July 20, 1996 and October 20, 1996. If Respondent is unable to find work in nursing, said reports will not be

required. Once Respondent obtains employment in nursing, she will cause her employer to submit eight (8) consecutive quarterly reports.

- D. During the two-year period that the suspension is stayed and the Respondent is meeting these conditions, she may not practice nursing in, or be employed by: a nurse registry; a temporary nurse employment agency; a home health agency; or private duty nursing. Respondent shall not be the only nurse on duty in any nursing employment, nor shall she be the senior or ranking nurse on any shift.
- E. Respondent shall cause to be furnished to the Board's Practice Specialist on a quarterly basis, competent evidence of continuing participation in counselling. It shall be Respondent's duty to obtain and sign any appropriate releases so the Kansas Board of Nursing's Practice Specialist can receive counselling reports.
- F. Respondent shall cause to be provided to the Board's Practice Specialist, copies of the psychological evaluation from her counsellor, including diagnosis, recommendations for treatment, and documentation of compliance, and letter from her primary care physician regarding her diagnosis and verification of current medications as provided the Oklahoma Board of Nursing. Respondent shall provide the Board's Practice Specialist with any updated treatment recommendations, confirmation

of compliance with that treatment, subsequent diagnoses and subsequent medications.

- G. Respondent shall provide the Board's Practice Specialist with documentation of successful compliance with the Oklahoma requirement of completion of a course or unit of education on pharmacology at the time she notifies the Oklahoma Board she has completed the course or unit.
- H. Respondent shall notify the Board's Practice Specialist in writing within ten (10) days of any changes in residence, home telephone number, employment, or other work situations.
- I. Respondent's is seeking reinstatement of his license. By this Agreement, he will be issued a license that will expire May 31, 1996. The re-issuance of her license shall be contingent upon this Agreement and Order remaining in effect until the two year period as previously identified.

5. By signing this Consent Agreement and Final Order, Respondent acknowledges she has read the entire document; and that she agrees to be bound by this document. Any failure to comply with any of the terms of this Consent Agreement and Final Order will require Respondent's appearance before the Board or designated Hearing Officer to show cause why the stay should not be lifted and why further disciplinary action should not be taken against her license.

6. Should the Board, or its designee, modify or change the Consent Agreement and Final Order in any manner unsatisfactory to either party, either party may withdraw its consent and the matter will proceed to hearing. Further, if the Consent Agreement and Final Order, as signed by the parties, is not acceptable to the Board, or its designee, neither party shall be bound to any representations made in this agreement.

7. The parties to this Agreement and Order further agree that if any changes are made as stated in paragraph 6 of this Agreement, Respondent shall receive notice of a hearing and will be provided sufficient time to prepare for the hearing.

FINDINGS OF FACT

1. Respondent was licensed to practice as a registered professional nurse (R.N.) in the State of Kansas, having been issued license number 13-033940-052. Said license lapsed. Respondent now seeks reinstatement of her Kansas R.N. license.

2. The Board received information and conducted an investigation into alleged violations of the Kansas Nurse Practice Act by the Respondent.

3. The Board found there were reasonable grounds to believe Respondent violated the Kansas Nurse Practice Act.

4. On or about March 31, 1994, the Respondent entered into a Consent Order with the Oklahoma Board of Nursing, in which her license was placed on probation and her license to practice as an R.N. was restricted or limited. Such action by the licensing

of any adverse decision and the right to seek judicial review by a district court of any adverse decision by the Board.

3. Respondent has stipulated and admitted to Paragraph 5 as contained in the Petition. Based on the admission and stipulation, Respondent has violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

4. Respondent, while licensed to practice as a R.N. in the State of Oklahoma, had her license to practice limited or restricted and other disciplinary action taken against her license by being placed on probation by the Oklahoma Board of Nursing, the state licensing authority in the State of Oklahoma, in violation of K.S.A. 65-1120(a)(8).

5. The Petitioner and Respondent have entered into this Consent Agreement and Final Order which, when signed by both parties and the Board or its designee, will be binding on the parties and the Board.

FINAL ORDER

WHEREFORE, based on the foregoing Agreement, Findings of Fact and Conclusions of Law, IT IS THEREFORE ORDERED that the following action will be taken:

Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent will be issued a license to practice as a registered professional nurse (R.N.). Said license shall be suspended for a period of two years from the date the Consent Agreement and Final Order is approved by the Board, or its

designee. Said suspension shall be stayed as long as the Respondent meets the following conditions:

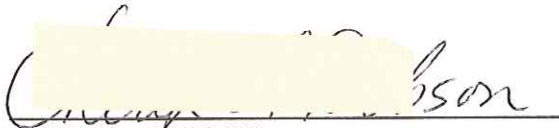
- A. A copy of this Order must be furnished to any prospective employer.
- B. Respondent's license card shall indicate that it is "limited" or "restricted." Renewal or reissuance of her license and the ability to continue practicing as a nurse, shall be contingent upon this Consent Agreement and Final Order remaining in effect into the next licensing period.
- C. The Respondent shall cause her employer(s) to submit quarterly reports to The Board's Practice Specialist. Such reports shall include information received about Respondent's work from her closest supervising nurse. Such supervising nurse shall work on the same premises, same unit and same shift as the Respondent. The reports shall include information about Respondent's attendance, quality of work performance and patient care. The first report shall be due by January 20, 1995. The remaining reports shall be due April 20, 1995; July 20, 1995; October 20, 1995; January 20, 1996; April 20, 1996; July 20, 1996 and October 20, 1996. If Respondent is unable to find work in nursing, said reports will not be required. Once Respondent obtains employment in nursing, she will cause her employer to submit eight (8) consecutive quarterly reports.

- D. During the two-year period that the suspension is stayed and the Respondent is meeting these conditions, she may not practice nursing in, or be employed by: a nurse registry; a temporary nurse employment agency; a home health agency; or private duty nursing. Respondent shall not be the only nurse on duty in any nursing employment, nor shall she be the senior or ranking nurse on any shift.
- E. Respondent shall cause to be furnished to the Board's Practice Specialist on a quarterly basis, competent evidence of continuing participation in counselling. It shall be Respondent's duty to obtain and sign any appropriate releases so the Kansas Board of Nursing's Practice Specialist can receive counselling reports.
- F. Respondent shall cause to be provided to the Board's Practice Specialist, copies of the psychological evaluation from her counsellor, including diagnosis, recommendations for treatment, and documentation of compliance, and letter from her primary care physician regarding her diagnosis and verification of current medications as provided the Oklahoma Board of Nursing. Respondent shall provide the Board's Practice Specialist with any updated treatment recommendations, confirmation of compliance with that treatment, subsequent diagnoses and subsequent medications.

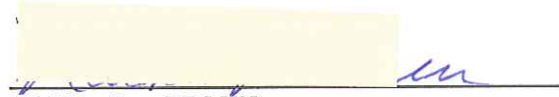
- G. Respondent shall provide the Board's Practice Specialist with documentation of successful compliance with the Oklahoma requirement of completion of a course or unit of education on pharmacology at the time she notifies the Oklahoma Board she has completed the course or unit.
- H. Respondent shall notify the Board's Practice Specialist in writing within ten (10) days of any changes in residence, home telephone number, employment, or other work situations.
- I. Respondent's current license expires May 31, 1996. The re-issuance of her license shall be contingent upon this Agreement and Order remaining in effect until the two year period as previously identified.

IN WITNESS WHEREOF, the parties hereunto execute this Consent

Agreement and Final Order:


CHERYL DOBSON
Respondent

10-13-94
DATE

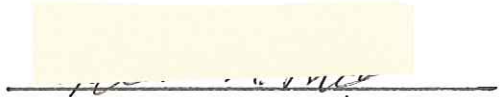

MARK S. BRAUN
Assistant Attorney General
Board Disciplinary Counsel

10-14-94
DATE

WHEREFORE, the provisions stated above are hereby adopted and made the Final Order of the Kansas State Board of Nursing.

IT IS SO ORDERED.

Dated this 14th day of October, 1994


Board Representative or
Board Designee


CERTIFICATE OF SERVICE

This is to certify that a copy of this CONSENT AGREEMENT AND FINAL ORDER was served by placing same in the United States Mail, first class, postage prepaid this 20th day of October, 1994, to:

Cheryl Dobson
RR 1 Box 166
Wellington, Kansas 67152

and by hand delivering a copy to

Mark S. Braun
Assistant Attorney General
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230


Diane M. Glynn, J.D., R.N.
Practice Specialist