

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

AUG 26 2008

**IN THE MATTER OF
PATRICIA A. SCHMIDT
License No. 13-039583-032**

**KSBN
Case No. 06-141-1**

AGREEMENT TO SURRENDER LICENSE

This Agreement is entered into on this 26th day of August, 2008, by the Kansas State Board of Nursing, and the Licensee, Patricia A. Schmidt, with the approval of their attorneys, if any. Licensee fully understands and agrees to the following:

1. Licensee is licensed to practice nursing in Kansas through 3/31/2010. The Kansas State Board of Nursing (Board) has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 2202 E. Crestway Apt. #29, Garden City, KS 67846.
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(a) is established.
4. 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.
5. Licensee understands that pursuant to K.S.A. 77-515, Licensee may be represented at Licensee's expense by, an attorney during these proceedings.
6. (a) A petition was filed 7/14/08 to take disciplinary action against the licensee's license.

(a) The respondent was employed by Garden Valley Retirement Village in Garden City, Kansas from 10/25/01 to 7/7/06. Her performance was average to outstanding until 2004. The respondent was suspended on 3/25/04 for transferring a resident from one unit to another without required oxygen. There were also numerous resident and family complaints, an instance of inappropriate documentation. The respondent received additional written warnings on 4/27/04 for leaving dirty needles in a lab tray and on 4/12/06 for failure to administer/track/document a resident's tuberculosis testing. On 6/19/06, the respondent was again warned of her failure to contact doctors of new admits and failure to report instances of falls, post fall summary and assessment, skin tears and bruises. The respondent did not apprise care plan teams of the concerns noted above.

(b) The Board referred the respondent to the Kansas Nurse Assistance Program (KNAP), on or about April 18, 2008 to assess her safety practice due to the respondent's diagnosis of Multiple Sclerosis. On May 13, 2008, KNAP notified the respondent that due to a report supplied to KNAP by her personal physician, she could not be released back to work. Her physician reported she has a progressive form of Multiple Sclerosis and has continued significant weakness and is not safe to practice.

(c) The matter was taken back to the Kansas Board of Nursing and the Board recommended the respondent either surrenders her license or that the Board moves to revoke her license.

7. Based upon this agreement, the parties agree that Licensee is surrendering Licensee's license to practice nursing in the state of Kansas.

8. The parties agree that Licensee's license to practice nursing in Kansas is immediately surrendered. Licensee shall not practice nursing in the state of Kansas.

9. Upon signing this agreement and returning it to the Board, Licensee shall return Licensee's license card with the agreement.

10. This Surrender Agreement is not a discipline. 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.

11. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this AGREEMENT TO

SURRENDER LICENSE.



Patricia A. Schmidt
Licensee
2202 E. Crestway Apt. #29
Garden City, KS 67846

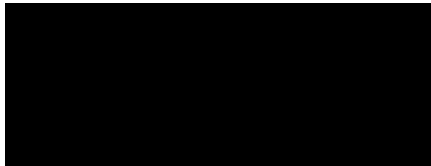


Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

CERTIFICATE OF SERVICE

On the 26th day of August, 2008, I mailed a copy of this AGREEMENT
TO SURRENDER LICENSE to:

Patricia A. Schmidt
2202 E. Crestway Apt. #29
Garden City, KS 67846



Alma A. Heckler, #11555
Assistant Attorney General