

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

APR 17 2014

KSBN

IN THE MATTER OF

CATHY S. SHARON

License No. 13-41800-051

Case No. 11-1326-5

SUMMARY ORDER TO REVOKE

Now this 17th day of April, 2014, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the registered nurse license of Cathy Sharon, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. a. Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 5/31/2015. The Board has jurisdiction over the Licensee and the subject matter of this action.
- b. Licensee's address of record is 9345 SW Tawakoni Rd., Augusta, Kansas 67010
- c. License entered into a Diversion Agreement with the Board on or about May 6, 2013. She stipulated to the following facts:

While employed by College Hill Nursing and Rehab in Wichita, Kansas, licensee was physically and verbally abusive to residents in July of 2011. The abuse consisted of yelling at and intimidating patients.

In a prior investigative case, Case No. 04-823-5, licensee was accused of verbal and physical abuse and agreed to complete education. Licensee completed two (2) hours of education on the Kansas Nurse Practice Act, and six (6) hours each on the subjects of Patient Rights, Patient Abuse and Anger Management.

- d. Licensee admitted to the following violations of the Kansas Nurse Practice Act:

K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (e), physical abuse, which shall be defined as any act or failure to act performed intentionally or carelessly and specifically (3) any threat, menacing conduct, or other nontherapeutic or inappropriate action that results in or might reasonably be expected to result in a patient's unnecessary fear or emotional or mental distress.

K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (g), verbal abuse, which shall be defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonably be expected to result in the patient's unnecessary fear, emotional distress, or mental distress.

K.S.A. 65-1120(a)(3), unprofessional incompetency as defined K.S.A. 65-1120(e) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

e. Licensee agreed to enroll and complete the recommendations of the Kansas Nurse Assistance Program (KNAP).

f. Licensee failed to complete KNAP and her KNAP case was closed on or about April 9, 2014. Respondent failed to complete a neuropsych evaluation, recommended by the professionals providing therapy and evaluations of her ability to safely nurse.

g. Licensee failed to stay in contact with KNAP.

2. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the licensee violated the following additional provisions of the Nurse Practice Act:

(a) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to furnish the board, its investigators, or its representatives with any information legally requested by the board K.A.R. 60-3-110(t);

(b) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 60-3-110(s).

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.

4. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

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

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

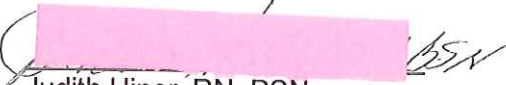
1. Licensee's license is revoked.

2. Licensee shall not practice nursing in the state of Kansas.

3. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.

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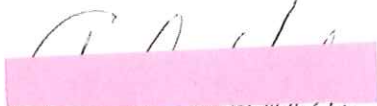
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 17th day of April, 2014, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Cathy S. Sharon
9345 SW Tawakoni Rd.
Augusta, Kansas 67010.


Alma A. Heckler, #11555
Assistant Attorney General