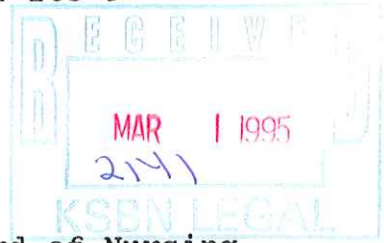


BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON RM 551-S
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF:)
)
ANNE LOCKE)
LICENSE NO.13-043190-052)

CASE NO. 92-263-9



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, Anne Locke, by and through her counsel, Steven L. Davis, and respectfully request the Board, or its designee, 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, with the advice of counsel, 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 into whether Respondent violated the Kansas Nurse Practice Act. Based on that investigation, there are reasonable grounds to believe Respondent violated the Act. Respondent's attorney was provided factual and documentary information regarding the specific counts stated in the Petition.

2. Respondent, with advice of counsel, acknowledges and understands that: 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. Respondent, through her counsel, would have the opportunity to cross-examine Petitioner's witnesses and 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. Respondent would have 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, with the advice of counsel, 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 pleads no contest to Count II. Count I will be dismissed. Respondent, with the advice of counsel, understands that by pleading no contest to Count II, she will be found to have committed the act enumerated in that count, and there will be a finding she violated the Kansas Nurse Practice Act.

4. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license to practice as a registered professional nurse (R.N.) will be renewed. Said license shall be suspended for a period of one year from the date the Consent Agreement and Final Order is approved by the Board, or its designee. Said suspension shall be stayed allowing the Respondent to continue to practice as a registered professional nurse (R.N.), as long as she meets the following conditions:

A. Respondent shall obtain nine (9) hours of continuing nursing education on the topic of patient assessment and follow through care related to the assessment. Six of those hours are to be earned by August 1, 1995. The other three hours are to be earned by January 20, 1996. The 9 hours must be pre-approved by the Board's Practice Specialist. These hours may be counted toward the thirty (30) hours of mandatory continuing nursing education for license renewal. Proof of earning the 9 hours shall be submitted to the Board's Practice Specialist within ten (10) days of taking the classes.

B. Respondent's license, when issued, will expire May 31, 1996. The renewal and reissuance of her license shall be contingent upon the successful completion of this Agreement and Order.

C. Respondent shall pay twenty-five (\$25.00) dollars to the Board in costs in this matter. Said costs shall be paid by money order or cashier's check payable to the Board of Nursing, and shall be submitted along with the signed Consent Agreement and Final Order.

5. By signing this Consent Agreement and Final Order, Respondent acknowledges that: she has read the entire document; she has obtained counsel who advised her in this matter and that she is satisfied with the representation; and she agrees to be bound by this document.

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. Respondent and her counsel acknowledge that they have received the factual and documentary information relating to the counts stated in the Petition. The parties to this Agreement and Order further agree that if any changes are made as stated in

paragraph 6 of this Agreement, Respondent and her counsel shall receive notice of a hearing and will be provided sufficient time to prepare for the hearing.

FINDINGS OF FACT

1. Respondent is licensed to practice as a registered professional nurse (R.N.) in the State of Kansas, having been issued license number 13-043190-052, with an expiration date of May 31, 1994.

2. Respondent timely submitted her renewal application to the board prior to the expiration of her license.

3. The Board received a complaint and conducted an investigation into alleged violations of the Kansas Nurse Practice Act by the Respondent.

4. Respondent was entitled to continue to practice nursing in Kansas pursuant to K.S.A. 77-512(d), until this matter was resolved.

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

6. On or about July 23, 1992, Respondent failed to take appropriate action or follow procedures and policies designed to safeguard the patient in violation of K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(a)(3), by failing to notify a physician of a patient's condition once she assessed the patient.

7. Respondent, with the advice of counsel, pleads no contest to Count II as contained in the Petition. Respondent has been

advised and understands that based on this plea, she will be found to have committed the act, which is a violation of the Kansas Nurse Practice Act, as stated in the Petition.

8. In lieu of proceeding to a full administrative hearing, the parties have agreed to enter into and be bound by this Consent Agreement and Final Order.

10. The Parties understand and acknowledge that, pursuant to K.S.A. 45-215 et seq., the signed original of the Consent Agreement and Final Order shall remain in the custody of the Board as a public record.

CONCLUSIONS OF LAW

1. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter pursuant to K.S.A. 65-1120.

2. Respondent is represented by counsel. Through the advice of counsel, Respondent is aware of her rights under the United States and Kansas Constitutions, the Kansas Nurse Practice Act and the Kansas Administrative Procedures Act, as previously stated in paragraph 2 of the Agreement section of this Consent Agreement and Final Order.

3. Respondent, with the advice of counsel, pleads no contest to Count II. Count I is dismissed. Based on the plea, Respondent has violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., as stated in Count II.

4. Respondent is guilty of unprofessional conduct in that on or about July 23, 1992, she failed to take appropriate action or

follow procedures and policies designed to safeguard the patient, in violation of K.S.A. 65-1120(a)(6), as defined K.A.R. 60-3-110(a)(3), by failing to notify a physician of a patient's condition once she assessed the patient.

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 against the Respondent's license to practice as a registered professional nurse (R.N.) in the State of Kansas:

Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license to practice as a registered professional nurse (R.N.) will be renewed. Said license shall be suspended for a period of one year from the date the Consent Agreement and Final Order is approved by the Board, or its designee. Said suspension shall be stayed allowing the Respondent to continue to practice as a registered professional nurse (R.N.), as long as she meets the following conditions:

A. Respondent shall obtain nine (9) hours of continuing nursing education on the topic of patient assessment and follow through care related to the assessment. Six of those hours are to be earned by August 1, 1995. The other three hours are to be

earned by January 20, 1996. The 9 hours must be pre-approved by the Board's Practice Specialist. These hours may be counted toward the thirty (30) hours of mandatory continuing nursing education for license renewal. Proof of earning the 9 hours shall be submitted to the Board's Practice Specialist within ten (10) days of taking the classes.

B. Respondent's license, when issued, will expire May 31, 1996. The renewal and reissuance of her license shall be contingent upon the successful completion of this Agreement and Order.

C. Respondent shall pay twenty-five (\$25.00) dollars to the Board in costs in this matter. Said costs shall be paid by money order or cashier's check payable to the Board of Nursing, and shall be submitted along with the signed Consent Agreement and Final Order.

IN WITNESS WHEREOF, the parties hereunto execute this Consent Agreement and Final Order:

Ann Locke
Ann Locke
Respondent

2-21-95
DATE

Steven L. Davis
Steven L. Davis
Patton, Davis and Putnam, P.A.
Attorney for the Respondent

2-21-95
DATE

Mark S. Braun
MARK S. BRAUN
Assistant Attorney General
Board Disciplinary Counsel

3/02/95
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 28th day of February, 1995

Helene R. Rice
Board Representative or
Board Designee

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Consent Agreement and Final Order was served by depositing same in the United States Mail, first class postage prepaid, this 3rd day of March, 1995 to:

Anne Locke
909 Thompson
Emporia, Kansas 66801

Steven L. Davis
Patton, Davis & Putman, P.A.
605 Lincoln
Emporia, Kansas 66801

and hand delivered a copy to

Mark S. Braun
Disciplinary Counsel
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson Suite 551-S
Topeka, Kansas 66612-1230

Diane M. Glynn 1BP

Diane M. Glynn
Practice Specialist