



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:)
)
RENEE MORROW)
LICENSE NO. 13-046826-022)

CASE NO. 94-0182-3

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, Renee Morrow, by and through counsel, Robert S. Jones, Norton, Wasserman, Jones and Kelly, Salina, Kansas, and respectfully request that 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, conducted an investigation, and determined there are reasonable grounds to believe Respondent violated the Act.

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 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; 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 admits to Count III of the Petition. Counts I and II are dismissed. Respondent, with the advice of counsel, understands that by admitting to Count ^{III RSJ (GAD)} X, she is admitting to a violation of

the Kansas Nurse Practice Act, for which disciplinary action could be taken.

4. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent will be privately censured. Further, pursuant to this agreement:

A. Respondent shall obtain six (6) hours of continuing nursing education on the topic of ethics in nursing or nursing and the law. These six hours are to be earned on or before December 31, 1995. The hours must be pre-approved by the Board's practice specialist. The six hours are in addition to, and not to be counted toward, the thirty (30) hours of mandatory continuing nursing education for license renewal when it expires at the end of February, 1996. Proof of earning the six hours shall be submitted to the Board's practice specialist within ten (10) days of taking the classes.

B. Respondent shall pay a fine in the amount of fifty dollars (\$50.00). Said fine shall be by money order or cashier's check, payable to the State of Kansas, and delivered to the Board of Nursing no later than August 31, 1995. The Board shall forward said amount to the State's General Fund.

C. Respondent shall pay costs in the amount of twenty-five dollars (\$25.00). Said costs shall be by money order or cashier's check, payable to the Board of Nursing, and delivered to the Board no later than August 31, 1995.

5. By signing this Consent Agreement and Final Order, Respondent acknowledges she has read the entire document; that she

has obtained counsel who advised her in this matter; that she is satisfied with the representation in this matter; and that 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. The parties to this Agreement and Order further agree that if any changes are made as previously stated, or if the Agreement and Order is unacceptable to the Board, or its designee, Respondent and 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 13-046826-022, with an expiration date of February 29, 1996.

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. During the period of December, 1992 and August, 1993, Respondent performed acts beyond the authorized scope of the level of nursing for which she was licensed by calling in prescriptions for herself without an order from a physician, in violation of K.S.A. 65-1120(a)(6), an act of unprofessional conduct as defined by K.A.R. 1992 Supp. 60-3-110(a)(4), now K.A.R. 60-3-110(d).

5. Respondent, with the advice of counsel, admits to Count III of the Petition. Counts I and II are dismissed.

6. 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.

7. 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. Based on the knowledge of those rights and advice of counsel, Respondent has knowingly, intelligently, and voluntarily waived her rights and entered into this Consent Agreement and Final Order.

3. Pursuant to the Kansas Administrative Procedures Act,

K.S.A. 77-501 et seq., a hearing officer may be designated to hear this matter and take action on behalf of the Board.

4. Notice and Service were done according to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq., and are proper in this case.

5. Pursuant to the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., specifically K.S.A. 65-1120(a), the Board or an appointed hearing officer may take action against a license or a licensee if a violation of the Kansas Nurse Practice Act is found to have been committed by the licensee.

5. Respondent has admitted to Count III. Counts I and II are dismissed. Based on the admission, Respondent has violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

6. Respondent is guilty of unprofessional conduct in that during the period of December, 1992 - August, 1993, Respondent performed acts beyond the authorized scope of the level of nursing for which she was licensed by calling in prescriptions for herself without an order from a physician, in violation of K.S.A. 65-1120(a)(6), an act of unprofessional conduct as defined by K.A.R. 1992 Supp. 60-3-110(a)(4), now K.A.R. 60-3-110(d)..

7. 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 Respondent is hereby **Privately Censured**. It is further ordered that:

A. Respondent shall obtain six (6) hours of continuing nursing education on the topic of ethics in nursing or nursing and the law. These six hours are to be earned on or before December 31, 1995. The hours must be pre-approved by the Board's practice specialist. The six hours are in addition to, and not to be counted toward, the thirty (30) hours of mandatory continuing nursing education for license renewal when it expires at the end of February, 1996. Proof of earning the six hours shall be submitted to the Board's practice specialist within ten (10) days of taking the classes.

B. Respondent shall pay a fine in the amount of fifty dollars (\$50.00). Said fine shall be by money order or cashier's check, payable to the State of Kansas, and delivered to the Board of Nursing no later than August 31, 1995. The Board shall forward said amount to the State's General Fund.

C. Respondent shall pay costs in the amount of twenty-five dollars (\$25.00). Said costs shall be by money order or cashier's check, payable to the Board of Nursing, and delivered to the Board no later than August 31, 1995.

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

Renee Morrow
Renee Morrow
Respondent

7-14-95
DATE

Robert S. Jones
Robert S. Jones
Attorney for the Respondent

7-14-95
DATE

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

7-14-95
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 14th day of July, 1995

[Signature]
Board Representative or
Board Designee

CERTIFICATE OF SERVICE

This is to certify that on the 14th day of July, 1995, I deposited a true and correct copy of the Consent Agreement and Final Order in the United States Mail, first class postage paid, to the following:

Renee Morrow
325 W Jewell
Salina, Kansas 67401

Robert S. Jones
Norton Wasserman Jones & Kelly
PO Box 2388
Salina, Kansas 67402-2388

and hand delivered 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