

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

<b>IN THE MATTER OF:</b>  <b>KIMBERLI BLOW</b> <b>REINSTATEMENT APPLICANT</b> <u><b>LICENSE NO.13-051795-112</b></u>	) ) ) ) ) ) )	<b>CASE NO. 95-0474-3</b>
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**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, Kimberli Blow, 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 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. Respondent has submitted an application for reinstatement of her license.**

**2. Respondent acknowledges and understands that she has the right to obtain and be represented by an attorney in this matter and 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 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. Any decision would include: findings of fact and conclusions of law; notice of the right to seek reconsideration of any adverse order issued by the Board; and notice of 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 Counts I and II of the Petition. Respondent understands that by stipulating to those two counts, 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's application for reinstatement of her license to practice as a registered professional nurse (R.N.) will be granted. 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 practice nursing under the following conditions:

- A. Respondent shall notify any and all nursing employers of this agreement and order and its conditions prior to practicing nursing for each employer.
- B. Respondent shall notify the Board's practice specialist in writing within ten (10) days of obtaining employment as a nurse, and any changes in residence, home telephone number, employment, or other work situations.
- C. The Board's practice specialist shall receive quarterly employer reports about Respondent's work performance. The reports shall be submitted by an R.N. who is the Respondent's shift supervisor and familiar with the Respondent's day-to-day performance. The Reports may not be submitted by a nurse consultant, nor may the reports be submitted by someone on a shift different than the Respondent's shift. The reports shall include information about Respondent's attendance, quality of work performance and patient care. Respondent shall notify the Board's Practice Specialist in writing within ten (10) days of obtaining employment who will be submitting the reports. The Board's Practice Specialist will verify the appropriate supervisory status and provide the reporter with guidelines for the reports. The first report shall be due October 20, 1997. Subsequent reports shall be due January 20, 1998; April 20, 1998; and July 20, 1998. If the Respondent does not obtain employment, or has breaks in employment, the reports shall continue beyond July 20, 1998 and be due on the 20th day of the quarterly months identified

until four (4) reports have been received. Any unsatisfactory report, after verification of the information in the report, shall be deemed a violation of this agreement for which the stay of suspension may be lifted, imposing the suspension.

- D. Respondent shall cause her Community Corrections Officer to submit quarterly reports to the Board's Practice Specialist regarding the Respondent's status and supervision for as long as Respondent is on supervision. Said reports shall be due on the same dates described in paragraph (C) above.
- E. Respondent shall sign any and all releases in order for the required reporters to be provided to the Board.
- F. Any failure to follow these conditions, or any non-compliance with any of these conditions shall be deemed a violation of this agreement/order and shall be grounds for removal of the stay of suspension. Upon receipt of a violation, Petitioner shall file a motion seeking a lifting of the stay, stating the grounds for such a motion.
- G. Respondent shall be assessed costs of these proceedings in the amount of thirty-five (\$35.00) dollars, to be paid by money order or cashier's check payable to the Board of Nursing within thirty (30) days of the effective service of this order.

5. By signing this Consent Agreement and Final Order, Respondent acknowledges she has read the entire document and 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 acknowledges that she is aware of the factual information relating to the counts stated in the Petition.

#### **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 13-051795-112, which expired November 30, 1996. On or about May 2, 1997, Respondent submitted a reinstatement application.

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. Respondent, while practicing as a nurse, obtained a prescription only drug by fraudulent means, which constitutes fraud and deceit in the practice of nursing contrary to K.S.A. 65-1120(a)(1).

5. Respondent was convicted of a drug-related misdemeanor offense, obtaining a prescription only drug by fraudulent means, and currently serves on community corrections for that offense. By serving on probation, Respondent, after conviction and

investigation by the Board, is not currently rehabilitated to warrant the public trust, contrary to K.S.A. 65-1120(a)(2).

6. Respondent stipulates and admits to Counts I and II as contained in the Petition.

7. 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.

8. 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 not represented by 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 stated previously in this Agreement and Order. Based on the knowledge of her rights, Respondent has knowingly, intelligently, and voluntarily waived her rights and entered into this Consent Agreement and Final Order.

3. Notice and Service in this matter are proper and done pursuant to Kansas law.

4. Respondent has stipulated and admitted to Counts I and II of the Petition. Based on those stipulations, Respondent has violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

5. Respondent is guilty of committing fraud and deceit in the practice of nursing, contrary to K.S.A. 65-1120(a)(1) by obtaining a prescription only drug by fraudulent means while practicing as a nurse.

6. Respondent was convicted of a drug-related misdemeanor offense, obtaining a prescription only drug by fraudulent means, and currently serves on community corrections for that offense. By serving on probation, Respondent, after conviction and investigation by the Board, is not currently rehabilitated to warrant the public trust, contrary to K.S.A. 65-1120(a)(2).

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 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 application for reinstatement of her license to practice as a registered professional nurse (R.N.) will be granted. 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 practice nursing under the following conditions:

- A. Respondent shall notify any and all nursing employers of this agreement and order and its conditions prior to practicing nursing for each employer.**
- B. Respondent shall notify the Board's practice specialist in writing within ten (10) days of obtaining employment as a nurse, and any changes in residence, home telephone number, employment, or other work situations.**
- C. The Board's practice specialist shall receive quarterly employer reports about Respondent's work performance. The reports shall be submitted by an R.N. who is the Respondent's shift supervisor and familiar with the Respondent's day-to-day performance. The Reports may not be submitted by a nurse consultant, nor may the reports be submitted by someone on a shift different than the Respondent's shift. The reports shall include information about Respondent's attendance, quality of work performance and patient care. Respondent shall notify the Board's Practice Specialist in writing within ten (10) days of obtaining employment who will be submitting the reports. The Board's Practice Specialist will verify the appropriate supervisory status and provide the reporter with guidelines for the reports. The first report shall be due October 20, 1997. Subsequent reports shall be due January 20, 1998; April 20, 1998; and July 20, 1998. If the Respondent does not obtain employment, or has breaks in employment, the reports shall continue beyond July 20, 1998 and be due on the 20th day of the quarterly months identified until four (4) reports have been received. Any unsatisfactory report, after verification of the information in the report, shall be deemed a violation of**



**this agreement for which the stay of suspension may be lifted, imposing the suspension.**

- D. Respondent shall cause her Community Corrections Officer to submit quarterly reports to the Board's Practice Specialist regarding the Respondent's status and supervision for as long as Respondent is on supervision. Said reports shall be due on the same dates described in paragraph (C) above.**
- E. Respondent shall sign any and all releases in order for the required reporters to be provided to the Board.**
- F. Any failure to follow these conditions, or any non-compliance with any of these conditions shall be deemed a violation of this agreement/order and shall be grounds for removal of the stay of suspension. Upon receipt of a violation, Petitioner shall file a motion seeking a lifting of the stay, stating the grounds for such a motion.**
- G. Respondent shall be assessed costs of these proceedings in the amount of thirty-five (\$35.00) dollars, to be paid by money order or cashier's check payable to the Board of Nursing within thirty (30) days of the effective service of this order.**

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

Final Order:

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Kimberli Blow  
Respondent

8/20/97  
\_\_\_\_\_  
DATE

M. S. Braun  
\_\_\_\_\_  
MARK S. BRAUN  
Assistant Attorney General  
Board Disciplinary Counsel

8/20/97  
\_\_\_\_\_  
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 20 day of August, 1997

[Signature]  
\_\_\_\_\_  
Board Representative or  
Board Designee

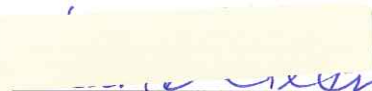
**CERTIFICATE OF SERVICE**


This is to certify that on the 20th day of August 1997, I hand delivered a correct copy of the Consent Agreement and Final Order at the Kansas State Board of Nursing office to the following:

**Kimberli Blow**

and by hand delivering 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**



  
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**Diane M. Glynn  
Practice Specialist**