

Rex G. Beasley #08777  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson, Suite 551-S  
Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING  
LANDON STATE OFFICE BUILDING  
900 S.W. JACKSON, #551-S  
TOPEKA, KANSAS 66612-1230  
(785) 296-8401

IN THE MATTER )  
 )  
 OF ) Case No. 99-0029-3  
 )  
 TERESA GILL f.k.a. TERESA MACY )  
 REINSATATEMENT APPLICANT )  
 LICENSE NO. 13-053757-051 )

**FINAL ORDER**

ON THE            day of March, 1999 this matter came on for hearing before Terry E. Beck the Board's designated Hearing Officer. Teresa Macy Gill hereinafter referred to as the "Respondent", did not appear but had previously entered into a Consent Agreement and approved this Final Order. The Kansas State Board of Nursing hereinafter referred to as the "Board" appeared by and through Assistant Attorney General Rex G. Beasley, Disciplinary Counsel for the Board.

THEREUPON the parties announced that they have entered into a Consent Agreement which is attached hereto. The parties requested that the Consent Agreement be approved and that this Final Order be entered.

THEREUPON the Hearing officer made the following findings of fact, and conclusions of law, and entered the following Final Order:

1. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter.

2. The Respondent was licensed as a registered professional nurse (R.N.) in the State of Kansas, having been issued license number 13-053757-051. On July 12, 1993 Respondent's license was suspended after she was convicted in the District Court of Sedgwick County Kansas, case number 91CR94, of five misdemeanor and one felony drug charges. The suspension of Respondent's license was stayed allowing her to practice subject to certain terms and conditions. Thereafter Respondent was convicted of three felony drug charges in the District Court of Sedgwick County Kansas, case number 94CR1149. Respondent served time in prison on each of the above criminal convictions. While in prison for the second criminal convictions the Respondent's lapsed on May 31, 1995.

3. Respondent was disciplined by the Kansas State Board of Nursing in case numbers 92-325-5 and 94-0657-5.

4. On or about August 1, 1996 Respondent applied for reinstatement of her license. Respondent's reinstatement was denied following a hearing conducted on May 15, 1997. The Respondent failed to show evidence of rehabilitation as required by the case of *Vakas v. Kansas Board of Healing Arts* 248 Kan 589 (1991).

5. On January 22, 1999 Respondent submitted a reinstatement application. In lieu of proceeding to a full administrative hearing, the parties entered into the Consent Agreement which is hereby approved.

6. Respondent stipulated that her actions violated the Kansas Nurse Practice Act as alleged and that she should be disciplined.

7. Respondent is aware that she has certain rights in this matter which may include the right to a formal hearing; the right to see and hear the evidence against her and to cross-examine witnesses against him; the right to present witnesses and evidence on her behalf; and the right to seek reconsideration, review or appeal of the findings from the hearing in this matter. Respondent knowingly and intelligently waived, or gave up, her rights and entered into the Consent Agreement and consented to the entry of this Final Order to resolve this matter instead of proceeding to hearing.

8. By entering into the Consent Agreement and consenting to the entry of this Final Order, both parties waived their right to full administrative proceedings pursuant to K.S.A. 65-1120(b) and K.S.A. 77-5501 *et. seq.* and to judicial review.

9. Based upon the stipulations, representations and commitments of Respondent herein, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Respondent's license should be renewed until May 31, 2001 and immediately **suspended and limited** for the period of licensure. The suspension of Respondent's license shall be stayed allowing Respondent to practice nursing subject to the following terms and conditions:

(a) Respondent shall provide the Board with copies of any future evaluations for chemical dependency, and shall undergo any further evaluations requested by the Board. Respondent will advise the Board of the date of all evaluations and the name and address of the person doing the evaluation. Said notice will be given to the Board within 48 hours of the evaluation. Reports will be provided to the Board within 14 days of each evaluation. In the event any evaluation reveals that Respondent is currently addicted or does not otherwise have her addiction fully under control Respondent's license shall be revoked, and Respondent shall surrender her license and hereby consents to a Final Order revoking the license.

(b) Within 180 days of the Final order Respondent shall have successfully completed an RN refresher course offered by the KU continuing education office in Hays Kansas. In the event Respondent, notwithstanding a diligent good faith effort, is unable to complete the refresher course within the 180 days allowed, the Board may at its sole discretion and depending on the circumstances, grant a one time extension of the time for completion of the course. No extension of time will be considered unless the Respondent demonstrates substantial completion of the refresher course and provides a satisfactory excuse and explanation to the Board for not completing the course on time. It shall not be a valid excuse that the Respondent was too busy with other matters to complete the course on time.

(c) Within 14 days of this Final Order Respondent must enroll in a peer assistance program designated by the Board. Respondent must comply with and remain compliant with all the recommendations and requirements of the program. It is the Respondent's obligation to enroll in, and meet all the requirements of the program.

(d) Respondent must submit to random drug screens as determined or selected by the Board or the peer assistance program designated by the Board. The costs of the drug screens will be paid by the Respondent. The drug screens must be random and meet all criteria established by the Board. The drug screens will be at least quarterly and may be more frequent as determined by the Board. The Board may select and must approve the collector. The results of any drug screen requested by the Board will be sent directly to the Board. In the event that Respondent submits to a drug screen requested by any person, firm, entity, or organization other than the peer assistance program designated by the Board, she shall cause the testing laboratory to send the results of the drug screen to the Board and to the peer

assistance program designated by the Board immediately upon completion of the testing. A positive drug screen, other than for a substance prescribed for Respondent pursuant to paragraph 9(e) of this Final Order, or for any other drug approved in advance by the Board, shall be deemed a violation of the Consent Agreement and this Final Order. Using products containing poppy seeds, hemp, alcohol, or other substances which can cause false positives, shall not constitute an acceptable reason for having a positive drug screen. A urine specimen which is improperly given or with a creatinine of less than 20 mg/dl or which otherwise indicates that the specimen is diluted shall be deemed to be a positive drug screen.

(e) Respondent must abstain from the use of all alcohol, prescription drugs, and controlled substances except as prescribed for her, for a legitimate medicinal purpose, by a licensed medical provider from whom she seeks medical attention. Respondent shall inform all providers who authorize prescriptions for narcotics, habit forming substances, psychotropic medicines, or other mood altering drugs, or other pain relief for her of her dependency on controlled substances, and Respondent shall cause all such providers to submit written reports within 10 days of each prescription to the Board. The written reports shall identify the medication prescribed, the reason for the prescription, the dosage, the date of prescription, and the number of refills authorized. Respondent agrees that if she accepts a prescription for narcotics, habit forming substances, psychotropic medicines, or other mood altering drugs, that the Board may impose additional requirements or terms.

(f) Respondent shall immediately inform all employers, prospective employers, and the director of any nursing education program in which she enrolls or teaches, of the Consent Agreement and this Final Order. Within 14 days of this Final Order, and within 14 days of any

change of nursing employment Respondent shall cause her nursing employer to notify the Board in writing of the employer's receipt of copies of the Consent Agreement and this Final Order. Respondent shall also cause her employer(s) to provide quarterly reports for the period of her licensure. The reports shall be prepared by Respondent's immediate supervisor or by an R.N. who evaluates her performance on a regular basis. Such reports shall include information regarding attendance, performance and documentation. The quarterly reports shall be due, April 20, 1999, July 20, 1999, October 20, 1999, January 20, 2000, April 20, 2000, July 20, 2000, October 20, 2000, January 20, 2001, and April 20, 2001. If Respondent is not employed as a nurse for a period of time included in this schedule she shall immediately inform the Board and the Board may, at its discretion, extend the reporting requirements of this paragraph so that the Board can obtain nine reports concerning Respondent's nursing performance. Respondent's employer may submit copies of employee evaluations conducted during a quarter in lieu of a report for that quarter. These reports or evaluations shall be sent by the employer or person conducting the evaluation to the attention of the Board's Practice Specialist, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 551-S, Topeka, Kansas 66612-1230.

(g) Respondent shall comply with all laws and regulations governing the practice of nursing.

(h) Respondent shall sign any release(s) necessary so that all, reports, tests, or evaluations may be forwarded to the Kansas State Board of Nursing to the attention of the Board's Practice Specialist. In addition, upon request, the Respondent shall provide the Board

with any release necessary to confirm that Respondent remains alcohol and drug free. The revocation of any release will be a breach of the Consent Agreement and this Final Order.

(i) Respondent shall participate in an a structured aftercare program, if any, recommended by the peer assistance program designated by the Board, or the Board.

(j) Respondent shall notify the Board's Practice Specialist of the name of her employer and immediate supervisor within 14 days of this Final Order and within 14 days of any change of employment or change in immediate supervisor.

(k) Respondent shall notify the Board's Practice Specialist of any changes in her name, address, and phone number. All such notifications shall be made within 14 days of such a change.

(l) Respondent shall immediately notify the Board of any use of alcohol, habit forming substances, or controlled substances, or any other violation of the Consent Agreement or this Final Order.

(m) The Board will send Respondent a new license card which shall be issued with an "S" and an "L" placed in the status code portion of the license card to indicate that action has been taken against her license.

(n) Respondent shall not, under any circumstances, misrepresent her licensure status.

(o) Respondent shall not seek or accept employment with a nursing registry, a temporary nursing service or agency, a home health care service or agency, or as a private duty nurse without the prior written consent of the Board.

(p) Respondent shall report in person for appointment with the Board staff upon request.

(q) Respondent shall not commit any act which would be a crime under federal law or, if it occurred in Kansas, would be a crime under Kansas law. If Respondent is charged with such a crime she shall immediately notify the Board in writing of any formal charge(s) against her and also promptly notify the Board in writing of the resolution of the charge(s).

(r) Respondent shall work only under the supervision of a registered professional nurse in a structured setting. Such supervising registered professional nurse shall, at the time of said supervision, hold an active, unencumbered Kansas nursing license.

10. This is Respondent's **final** chance. Any use by Respondent of alcohol, habit forming substances, or controlled substances, except as specifically allowed herein will not only be a violation of the Consent Agreement and this Final Order, but also independent grounds for additional discipline pursuant to K.S.A. 65-1120, and will constitute conclusive and irrefutable proof that Respondent should not be licensed to practice nursing, and will justify immediate action to revoke or suspend her license to practice nursing. Within 48 hours of any request, Respondent shall surrender her license to the Board if the Board, after any investigation, determines that Respondent has violated the terms and conditions of the Consent Agreement or this Final Order. If Respondent fails to surrender her license



to the Board within 48 hours of a request as provided above, the Board will be authorized and justified in taking emergency action against her pursuant to K.S.A. 77-537. Furthermore, in the event the Board should move for an order lifting the stay the only issue will be whether Respondent has strictly complied with every term and condition of the Consent Agreement and this Final Order.

11. Any unsatisfactory reports from the peer assistance program designated by the Board, by Respondent's supervisor in nursing, or any reports of a reportable incident under Risk Management Law, or a violation of the Kansas Nurse Practice Act, or failure to comply with any of the conditions of the Consent Agreement or this Final Order may, at the sole discretion of the Board, constitute a breach of the Consent Agreement and this Final Order, and may result in further proceedings against Respondent under the Kansas Administrative Procedures Act.

12. Each and every condition outlined in the Consent Agreement and this Final Order is mandatory and if Respondent fails to meet any one of the conditions the Board will proceed to cause a petition or other proceedings to be filed in this matter and that a full adjudicative proceeding will follow; as a result Respondent may be fined and her license may be denied, suspended, limited, revoked, pursuant to K.S.A. 65-1120 or K.S.A. 74-1110.

13. All stipulations, agreements and admissions made in the Consent Agreement are binding upon the Respondent in the event it is necessary to hold any further hearing in this or any other proceedings.

14. This is a disciplinary action and will be reported to the National Council of State Boards of Nursing data bank. Pursuant to K.S.A. 45-215 *et seq.*, the signed original of the Consent Agreement and this Final Order shall remain in the custody of the Board as public records.

15. In deciding to enter into the Consent Agreement and consenting to the entry of this Final Order the Respondent relied upon her own knowledge and judgment, and did not rely on any representation or promise from the Board or anyone acting on its behalf. Respondent entered into the Consent Agreement and consented to the entry of this Final Order freely, knowingly, and voluntarily, and without any coercion, pressure, or duress from the Board of anyone on its behalf.

16. The Consent Agreement will be subject to and governed by the laws of the State of Kansas.

17. Neither the Consent Agreement or this Final Order are intended to be, nor will they operate as, a waiver or estoppel of the Board's right to take action against Respondent for any act or omission not specifically made a part of the Consent Agreement or this Final Order. Nothing in the Consent Agreement or this Final Order shall be construed to deny the Board jurisdiction to investigate and prosecute other alleged violations of the Nurse Practice Act regardless of when they occur(ed) or when called to the attention of the Board. Each and every term and condition imposed in the Consent Agreement and this Final Order is mandatory and Respondent is required to comply with each and every one. An express or implied waiver of one or more conditions shall not operate as a waiver of any other nor constitute an estoppel or bar to the enforcement of any other term or condition of the Consent Agreement of this Final Order.

18. Respondent will be responsible for payment of any costs associated with compliance with the Consent Agreement and this Final Order. It is Respondent's responsibility to insure that all reports required to be submitted to the Board, including those from her employer or other third party, are submitted in a timely manner.


19. Respondent shall pay costs in the sum of \$35.00. Said payment shall be made to the Board in cash or money order and shall be paid within 30 days of the entry of this Final Order, and an administrative fine of \$250.00 which shall be paid in a like manner within 180 days of this Final Order.

20. Consistent with the intent of the parties that the Consent Agreement and this Final Order apply to the next licensing period, the next license which may be granted to Respondent shall be subject to the same terms, limitations and conditions contained in the Consent Agreement and this Final Order. Provided, however, the Board may, in its sole discretion, waive any or all of the requirements and grant Respondent an unrestricted license. Nothing contained in the Consent Agreement or this Final Order will grant Respondent any right to automatic license renewal, or to an unrestricted license if renewed.

21. Respondent read and understood the Consent Agreement and this Final Order and is bound by their terms. The Consent Agreement constitutes the entire agreement of the parties and may not be modified except in writing and approved by all parties.

**IT IS SO ORDERED.**

Entered this 26 day of March, 1999

  
\_\_\_\_\_  
TERRY E. BECK  
HEARING OFFICER

APPROVED:

  
TERESA MACY-GILL

Respondent

DATED March 15, 1999



REX G. BEASLEY  
Assistant Attorney General  
Disciplinary Counsel

DATED March 23<sup>rd</sup>, 1999

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of March, 1999 I deposited a true and correct copy of the Consent Agreement and Final Order in the United States Mail, first class postage prepaid to the following:

Teresa Macy Gill  
302 Steinmeltz, PO Box 164  
Alden, Kansas 67512-0164

and hand delivered a copy to

Rex G. Beasley  
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, J.D., R.N.  
Practice Specialist

Rex G. Beasley #08777  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson, Suite 551-S  
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 TERESA GILL f.k.a. TERESA MACY )  
 REINSATATEMENT APPLICANT )  
 LICENSE NO. 13-053757-051 )

**CONSENT AGREEMENT**

COME NOW the Petitioner, the Kansas State Board of Nursing, hereinafter referred to as the "Board", by and through Assistant Attorney General Rex G. Beasley, and Teresa Macy Gill hereinafter referred to as the " Respondent", personally, with the intent and purpose of settling all issues currently before the Board without the necessity of a formal hearing, and respectfully request that the Board, or its designee, approve this Consent Agreement and enter the Final Order presented herewith as the resolution of this case.

**NATURE OF THE CASE**

1. The Respondent was licensed as a registered professional nurse (R.N.) in the State of Kansas, having been issued license number 13-053757-051. On July 12, 1993 Respondent's license was suspended after she was convicted in the District Court of Sedgwick County Kansas, case number

91CR94, of five misdemeanor and one felony drug charges. The suspension of Respondent's license was stayed allowing her to practice subject to certain terms and conditions. Thereafter Respondent was convicted of three felony drug charges in the District Court of Sedgwick County Kansas, case number 94CR1149. Respondent served time in prison on each of the above criminal convictions. While in prison for the second criminal convictions the Respondent's lapsed on May 31, 1995.

2. Respondent was disciplined by the Kansas State Board of Nursing in case numbers 92-325-5 and 94-0657-5

3. On or about August 1, 1996 Respondent applied for reinstatement of her license. Respondent's reinstatement was denied following a hearing conducted on May 15, 1997. The Respondent failed to show evidence of rehabilitation as required by the case of *Vakas v. Kansas Board of Healing Arts* 248 Kan 589 (1991).

4. On January 22, 1999 Respondent submitted a reinstatement application.

#### **STIPULATION OF FACTS AND AGREEMENT**

In lieu of proceeding to a full administrative hearing, the parties agree to enter into and be bound by the following admissions and stipulations, and this agreement.

1. Respondent stipulates that she violated the Kansas Nurse Practice Act as set out above, and that she should be disciplined. Respondent represents, however that she has been drug free since May 1994 and that she has been rehabilitated. In support of her claim of rehabilitation Respondent presented a statement from Rita Rogers which will be filed in the agency file and also offered testimonials and support from her employer and the administrator at her place of employment. While the Board does not adopt or stipulate to the Respondent's representations of rehabilitation, it does acknowledge that the Respondent has presented additional evidence of rehabilitation which was not

previously presented or considered previously. Accordingly based upon Respondent's representations, the Board is willing give Respondent the benefit of the doubt and to give Respondent one more chance. Respondent acknowledges that this will be her last chance.

2. Respondent is aware that she has certain rights in this matter which may include the right to a formal hearing; the right to see and hear the evidence against her and to cross-examine witnesses against her, the right to present witnesses and evidence on her behalf; and the right to seek reconsideration, review or appeal of the findings from the hearing in this matter. Respondent knowingly and intelligently waives, or gives up, her rights and enters into this Consent Agreement and consents to the entry of a Final Order to resolve this matter instead of proceeding to hearing.

3. By entering into this Consent Agreement and consenting to the entry of the Final Order, both parties waive their right to full administrative proceedings pursuant to K.S.A. 65-1120(b) and K.S.A. 77-5501 *et. seq.* and to judicial review.

4. Based upon the stipulations, representations and commitments of Respondent herein, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Respondent's license should be renewed until May 31, 2001 and immediately **suspended and limited** for the period of licensure. The suspension of Respondent's license shall be stayed allowing Respondent to practice nursing subject to the following terms and conditions:

(a) Respondent shall provide the Board with copies of any future evaluations for chemical dependency, and shall undergo any further evaluations requested by the Board. Respondent will advise the Board of the date of all evaluations and the name and address of the person doing the evaluation. Said notice will be given to the Board within 48 hours of the evaluation. Reports will be provided to the Board within 14 days of each evaluation. In the



event any evaluation reveals that Respondent is currently addicted or does not otherwise have her addiction fully under control Respondent's license shall be revoked, and Respondent shall surrender her license and hereby consents to a Final Order revoking the license.

(b) Within 180 days of the Final order Respondent shall have successfully completed an RN refresher course offered by the KU continuing education office in Hays Kansas. In the event Respondent, notwithstanding a diligent good faith effort, is unable to complete the refresher course within the 180 days allowed, the Board may at its sole discretion and depending on the circumstances, grant a one time extension of the time for completion of the course. No extension of time will be considered unless the Respondent demonstrates substantial completion of the refresher course and provides a satisfactory excuse and explanation to the Board for not completing the course on time. It shall not be a valid excuse that the Respondent was too busy with other matters to complete the course on time.

(c) Within 14 days of the Final Order Respondent must enroll in a peer assistance program designated by the Board. Respondent must comply with and remain compliant with all the recommendations and requirements of the program. It is the Respondent's obligation to enroll in, and meet all the requirements of the program.

(d) Respondent must submit to random drug screens as determined or selected by the Board or the peer assistance program designated by the Board. The costs of the drug screens will be paid by the Respondent. The drug screens must be random and meet all criteria established by the Board. The drug screens will be at least quarterly and may be more frequent as determined by the Board. The Board may select and must approve the collector. The results of any drug screen requested by the Board will be sent directly to the Board. In the

event that Respondent submits to a drug screen requested by any person, firm, entity, or organization other than the peer assistance program designated by the Board, she shall cause the testing laboratory to send the results of the drug screen to the Board and to the peer assistance program designated by the Board immediately upon completion of the testing. A positive drug screen, other than for a substance prescribed for Respondent pursuant to paragraph 4(e) of this Consent Agreement, or for any other drug approved in advance by the Board, shall be deemed a violation of this Consent Agreement and the Final Order. Using products containing poppy seeds, hemp, alcohol, or other substances which can cause false positives, shall not constitute an acceptable reason for having a positive drug screen. A urine specimen which is improperly given or with a creatinine of less than 20 mg/dl or which otherwise indicates that the specimen is diluted shall be deemed to be a positive drug screen.

(e) Respondent must abstain from the use of all alcohol, prescription drugs, and controlled substances except as prescribed for her, for a legitimate medicinal purpose, by a licensed medical provider from whom she seeks medical attention. Respondent shall inform all providers who authorize prescriptions for narcotics, habit forming substances, psychotropic medicines, or other mood altering drugs, or other pain relief for her of her dependency on controlled substances, and Respondent shall cause all such providers to submit written reports within 10 days of each prescription to the Board. The written reports shall identify the medication prescribed, the reason for the prescription, the dosage, the date of prescription, and the number of refills authorized. Respondent agrees that if she accepts a prescription for narcotics, habit forming substances, psychotropic medicines, or other mood altering drugs, that the Board may impose additional requirements or terms.

(f) Respondent shall immediately inform all employers, prospective employers, and the director of any nursing education program in which she enrolls or teaches, of this Consent Agreement and the Final Order. Within 14 days of the Final Order, and within 14 days of any change of nursing employment Respondent shall cause her nursing employer to notify the Board in writing of the employer's receipt of copies of this Consent Agreement and the Final Order. Respondent shall also cause her employer(s) to provide quarterly reports for the period of her licensure. The reports shall be prepared by Respondent's immediate supervisor or by an R.N. who evaluates her performance on a regular basis. Such reports shall include information regarding attendance, performance and documentation. The quarterly reports shall be due, April 20, 1999, July 20, 1999, October 20, 1999, January 20, 2000, April 20, 2000, July 20, 2000, October 20, 2000, January 20, 2001, and April 20, 2001. If Respondent is not employed as a nurse for a period of time included in this schedule she shall immediately inform the Board and the Board may, at its discretion, extend the reporting requirements of this paragraph so that the Board can obtain nine reports concerning Respondent's nursing performance. Respondent's employer may submit copies of employee evaluations conducted during a quarter in lieu of a report for that quarter. These reports or evaluations shall be sent by the employer or person conducting the evaluation to the attention of the Board's Practice Specialist, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 551-S, Topeka, Kansas 66612-1230.

(g) Respondent shall comply with all laws and regulations governing the practice of nursing.

(h) Respondent shall sign any release(s) necessary so that all, reports, tests, or evaluations may be forwarded to the Kansas State Board of Nursing to the attention of the Board's Practice Specialist. In addition, upon request, the Respondent shall provide the Board with any release necessary to confirm that Respondent remains alcohol and drug free. The revocation of any release will be a breach of this Consent Agreement and the Final Order.

(i) Respondent shall participate in an a structured aftercare program, if any, recommended by the peer assistance program designated by the Board, or the Board.

(j) Respondent shall notify the Board's Practice Specialist of the name of her employer and immediate supervisor within 14 days of the Final Order and within 14 days of any change of employment or change in immediate supervisor.

(k) Respondent shall notify the Board's Practice Specialist of any changes in her name, address, and phone number. All such notifications shall be made within 14 days of such a change.

(l) Respondent shall immediately notify the Board of any use of alcohol, habit forming substances, or controlled substances, or any other violation of this Consent Agreement or the Final Order.

(m) The Board will send Respondent a new license card which shall be issued with an "S" and an "L" placed in the status code portion of the license card to indicate that action has been taken against her license.

(n) Respondent shall not, under any circumstances, misrepresent her licensure status.

(o) Respondent shall not seek or accept employment with a nursing registry, a temporary nursing service or agency, a home health care service or agency, or as a private duty nurse without the prior written consent of the Board.

(p) Respondent shall report in person for appointment with the Board staff upon request.

(q) Respondent shall not commit any act which would be a crime under federal law or, if it occurred in Kansas, would be a crime under Kansas law. If Respondent is charged with such a crime she shall immediately notify the Board in writing of any formal charge(s) against her and also promptly notify the Board in writing of the resolution of the charge(s).

(r) Respondent shall work only under the supervision of a registered professional nurse in a structured setting. Such supervising registered professional nurse shall, at the time of said supervision, hold an active, unencumbered Kansas nursing license.

5. Respondent admits, acknowledges, and agrees that this is her **final** chance and that any use by her of alcohol, habit forming substances, or controlled substances, except as specifically allowed herein will not only be a violation of this Consent Agreement and the Final Order, but also independent grounds for additional discipline pursuant to K.S.A. 65-1120, and will constitute conclusive and irrefutable proof that she should not be licensed to practice nursing, and will justify immediate action to revoke or suspend her license to practice nursing. Respondent agrees that within

48 hours of any request, she will surrender her license to the Board if the Board, after any investigation, determines that she has violated the terms and conditions of this Consent Agreement or the Final Order. Respondent further agrees that, if she fails to surrender her license to the Board within 48 hours of a request as provided above, the Board will be authorized and justified in taking emergency action against her pursuant to K.S.A. 77-537. Furthermore, in the event the Board should move for an order lifting the stay the only issue will be whether Respondent has strictly complied with every term and condition of this Consent Agreement and the Final Order.

6. Respondent understands that any unsatisfactory reports from the peer assistance program designated by the Board, by her supervisor in nursing, or any reports of a reportable incident under Risk Management Law, or a violation of the peer assistance program designated by the Board, or failure to comply with any of the conditions of this Consent Agreement or the Final Order may, at the sole discretion of the Board, constitute a breach of this Consent Agreement and the Final Order, and may result in further proceedings against Respondent under the Kansas Administrative Procedures Act.

7. Respondent further understands that each and every condition outlined in this Consent Agreement and the Final Order is mandatory and if she fails to meet any one of the conditions the Board will proceed to cause a petition or other proceedings to be filed in this matter and that a full adjudicative proceeding will follow. Respondent further understands that as a result she may be fined and her license may be denied, suspended, limited, revoked, pursuant to K.S.A. 65-1120 or K.S.A. 74-1110.

8. It is understood that this agreement is subject to the approval of the Board. Should the Board, or its designee, modify or change the agreement in any manner unsatisfactory to either party,

or disapprove it, either party may withdraw its consent and this document, and all agreements herein shall be void, and the matter will proceed to hearing. However, once approved, all stipulations, agreements and admissions made herein are binding upon the Respondent in the event it is necessary to hold any further hearing in this or any other proceedings.

9. The Parties understand and acknowledge that this is a disciplinary action and will be reported to the National Council of State Boards of Nursing data bank, and that pursuant to K.S.A. 45-215 *et seq.*, the signed original of this Consent Agreement and the Final Order shall remain in the custody of the Board as public records.

10. In deciding to enter into this Consent Agreement and consenting to the entry of the Final Order the Respondent relied upon her own knowledge and judgment, and did not rely on any statement, representation or promise from the Board or anyone acting on its behalf. Respondent further acknowledges that she entered into this Consent Agreement and consented to the entry of the Final Order freely, knowingly, and voluntarily, and without any coercion, pressure, or duress from the Board of anyone on its behalf.

11. This Consent Agreement will be subject to and governed by the laws of the State of Kansas.

12. Respondent acknowledges and agrees that neither this Consent Agreement or the Final Order are intended to be, nor will they operate as, a waiver or estoppel of the Board's right to take action against Respondent for any act or omission not specifically made a part of the Consent Agreement or the Final Order, and that nothing in this Consent Agreement or the Final Order shall be construed to deny the Board jurisdiction to investigate and prosecute other alleged violations of the Nurse Practice Act regardless of when they occur(ed) or when called to the attention of the Board. Respondent

acknowledges that each and every term and condition imposed in this Consent Agreement and the Final Order is mandatory and that she is required to comply with each and every one. An express or implied waiver of one or more conditions shall not operate as a waiver of any other nor constitute an estoppel or bar to the enforcement of any other term or condition of this Consent Agreement or the Final Order.

13. Respondent acknowledges and understands that she will be responsible for payment of any costs associated with compliance with this Consent Agreement and the Final Order, and that it is her responsibility to insure that all reports required to be submitted to the Board, including those from her employer or other third party, are submitted in a timely manner.

14. Respondent will pay costs in the sum of \$35.00. Said payment shall be made to the Board in cash or money order and shall be paid within 30 days of the entry of the Final Order, and an administrative fine of \$250.00 which shall be paid in a like manner within 180 days of the Final Order.

15. It is the intent of the parties that this Consent Agreement and the Final Order apply to the next licensing period. Accordingly, Respondent agrees and consents that the next license which may be granted to her will be subject to the same terms, limitations and conditions contained in this Consent Agreement and the Final Order. Provided however the Board may, in its sole discretion, waive any or all of the requirements and grant Respondent an unrestricted license. Respondent acknowledges and agrees that nothing contained in this Consent Agreement or the Final Order will grant her any right to automatic license renewal, or to an unrestricted license if renewed.

16. By signing this Consent Agreement and consenting to the entry of the Final Order, Respondent acknowledges that she has read and understands this Consent Agreement and the Final Order, and agrees to be bound by their terms. This Consent Agreement constitutes the entire agreement of the parties and may not be modified except in writing and approved by all parties.



IN WITNESS WHEREOF, the parties hereto execute this Consent Agreement and request that the Final Order be entered.

Teresa Macy Hill  
TERESA MACY GILY  
Respondent

DATE March 15, 1999

STATE OF KANSAS                    )  
  )       SS  
COUNTY OF RICE                    )

Subscribed and Sworn to before me, this 15 day of March, 1999.



Karen Barker  
Signature of Notary Public

APPROVED

Rex G. Beasley  
REX G. BEASLEY  
Assistant Attorney General  
Disciplinary Counsel

DATE March 23<sup>rd</sup>, 1999