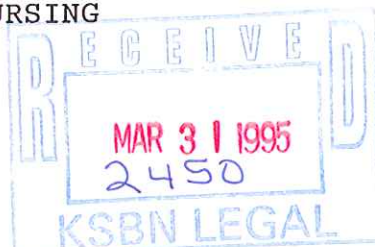


BEFORE THE KANSAS STATE BOARD OF NURSING
900 S.W. JACKSON, SUITE 551-S
TOPEKA, KANSAS 66612



IN THE MATTER)
)
OF)
)
LINDA K. POND)
LICENSE NUMBER 13-054131-021)
_____)

CASE NO. 92-068-5

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, Linda K. Pond, by and through her counsel, Patricia M. Dengler of Brown, Dengler, Good & Rider, L.C., Wichita, Kansas, and respectfully requests 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.

AGREEMENT

It is the intent and purpose of this Consent Agreement and Final Order to provide for resolution 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:

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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, a Petition was filed. If this matter were to proceed to hearing, Petitioner would call witnesses and present evidence of its position. Respondent believes no violation of the Act occurred. If this matter were to proceed to hearing, she would call witnesses and present evidence of her position.

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 to 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. Respondent recognizing the economic hardship of defending this action, and with the advice of counsel, has determined it is in her best interests to enter into this Consent Agreement and Final Order.

3. In lieu of proceeding to a full hearing, the parties mutually agree to the following:

- A. Respondent shall obtain six (6) hours of continuing nursing education. Three (3) of those hours are to be on the topic of charting, medication charting and/or the importance of accurate charting. The other three (3) hours are to be on the topic of facility or institutional policies and procedures, relating to the importance, development and/or implementation of policies and procedures. The six (6) hours are to be earned on or before October 1, 1995. These hours may be counted toward the thirty (30) hours of mandatory continuing nursing education for license renewal. Proof of earning the six (6) hours shall be submitted to the Board within ten (10) days of taking the classes.
- B. With the understanding that the Respondent will obtain the six (6) continuing education hours, the Petition shall be dismissed. There shall be a finding that no disciplinary action has been taken against Respondent's license.
- C. Respondent's license to practice nursing shall be issued as soon as possible after this Consent Agreement and Final Order is signed by the Board's designee and filed with the Board.

D. The case against the Respondent may be re-opened if the Respondent does not complete the continuing education requirement.

4. 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 and that she is satisfied with the representation in this matter and agrees to be bound by this document.

5. 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.

6. Respondent hereby releases the Kansas State Board of Nursing, its employees and agents from all claims, actions, liabilities and causes of action, both administrative and civil. This release shall discharge the Board, its employees and agents, of any and all claims, demands of any kind and nature that Respondent claims, or might claim, and Respondent shall not commence to prosecute, or cause to be prosecuted, any action or proceeding of any description against the Board, its employees or agents, arising out of acts leading to the execution of this Agreement and Order or its contents.

7. Each party in this matter shall be responsible for its own costs, expenses and fees.

8. Respondent understands and acknowledges that this Consent Agreement and Final Order becomes the final order of the Board.

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 13-054131-021.

2. The Board received information and conducted an investigation into alleged violations of the Kansas Nurse Practice Act by the Respondent, and filed this Petition.

3. The Respondent denies she violated the Act, or acted contrary to good nursing practice.

4. 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.

5. The parties understand and acknowledge that, pursuant to K.S.A. 45-215 *et seq.*, the Petition and 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 stated in paragraph 2 of the Agreement section of this Consent Agreement and Final Order, and has waived those rights.

3. The parties have mutually agreed to be bound by this document and resolve this matter without proceeding to a full administrative hearing. Such resolutions are approved and encouraged by the Kansas Administrative Procedures Act, KAPA, K.S.A. 77-5-1 *et seq.*

4. The Petitioner and Respondent shall do the acts enumerated in paragraph 3 of the Agreement section of this document.

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 agreement of the parties is adopted as follows:

- A. Respondent shall obtain six (6) hours of continuing nursing education. Three (3) of those hours are to be on the topic of charting, medication charting and/or the importance of accurate charting. The other three (3) hours are to be on the topic of facility or institutional policies and procedures, relating to the importance, development and/or implementation of policies and procedures. The six (6) hours are to be earned on or before October 1, 1995. These hours may be counted toward the thirty (30) hours of mandatory continuing


nursing education for license renewal. Proof of earning the six (6) hours shall be submitted to the Board within ten (10) days of taking the classes.

- B. The Petition shall be dismissed, and there shall be and is a finding and order that no disciplinary action has been taken against Respondent's license.
- C. Respondent's license to practice nursing shall be issued as soon as possible after this Consent Agreement and Final Order is signed by the Board's designee and filed with the Board.
- D. The case against the Respondent may be re-opened if the Respondent does not complete the continuing education requirement.

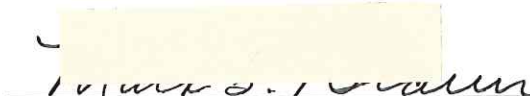
IN WITNESS WHEREOF, the parties hereunto execute this Consent Agreement and Final Order:


Linda K. Pond, Respondent

3-20-95
DATE


Patricia M. Dengler, SC #11033
BROWN, DENGLER, GOOD & RIDER, L.C.
Attorney for the Respondent

3-20-95
DATE

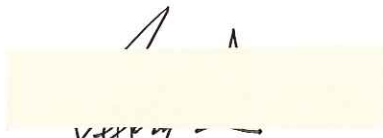

Mark S. Braun
Assistant Attorney General
Board Disciplinary Counsel

3/31/95
DATE

WHEREFORE, the provisions stated below are hereby adopted and made the Final Order of the Kansas State Board of Nursing.

IT IS SO ORDERED.

DATED this 31st day of March, 1995.


Board Representative or
Board Designee

CERTIFICATE OF SERVICE


This is to certify that two copies of this CONSENT AGREEMENT AND FINAL ORDER was served by placing same in the United States Mail, first class, postage prepaid this 3rd day of April, 1995 to:

Linda Pond
621 S Terrace
Wichita, Kansas 67218

Patricia M. Dengler
Brown, Dengler, Good & Rider, L.C.
Farmers and Bank Building, Suite 200
200 East First Street
Wichita, Kansas 67202

and by hand delivering 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