

BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF:)
)
CARLA LANCASTER)
License No. 13-055947-012)

CASE NO. 91-222-0

AUG 26 1993 2/4

CONSENT AGREEMENT AND FINAL ORDER

COME 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, Carla Lancaster, pro se, and respectfully request the Board, or its designee, to approve this Consent Agreement and Final Order as the resolution of 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 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 knowledge of and the understanding she has a right to a hearing, 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 a complaint 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.

2. Respondent, acknowledges and understands that: she has a right to be represented by counsel of any and all stages of these proceedings; she has the right to a full and fair hearing on the allegations made by the Petitioner; at such hearing Petitioner would be required to present witnesses and evidence in support of the allegations; she, or her counsel, would have the opportunity to cross-examine Petitioner's witnesses; she, or her counsel, would have the opportunity 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 an appeal to the district court for judicial review of any adverse Board order or decision. Respondent, understands that by entering into this Consent Agreement and Final Order, she is waiving the above-mentioned rights.

3. In lieu of proceeding to a full hearing, Respondent stipulates to Counts I, II, and III of the Petition. Respondent, understands that by stipulating to those three counts, she is

admitting to violations of the Kansas Nurse Practice Act. Further, Respondent admits she is unable to practice with skill and safety due to the current abuse of drugs or alcohol and that, on at least two occasions, she diverted drugs of an agency.

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 limited in a manner that Respondent will not practice nursing in a clinical setting or as a clinical nurse. Respondent will not work in any "hands-on" nursing involving patient care. This limitation shall continue as long as respondent holds a license to practice nursing, or until this Consent Agreement is amended by mutual agreement of the parties or order of the Board. Respondent shall also meet the following conditions:

- A. Respondent shall continue with her Narcotics Anonymous involvement while she holds her license. Respondent shall submit proof of her attendance by quarterly reports to the Board's Practice Specialist; *until January 31, 1995 MBB OK*
- B. Respondent shall maintain a sponsor with her Narcotics Anonymous program who shall submit quarterly reports about Respondent's participation in the NA program; *until January 31, 1995 MBB OK*
- C. Respondent shall notify the Board's Practice Specialist in writing where and how she is employed and within ten (10) days of any changes in

residence, home telephone number, employment and
work situations; ^{u. n. n. (} January 31, 1995. MSB *CK*

5. By signing this Consent Agreement and Final Order, Respondent acknowledges she has read the entire document; that she has the opportunity to obtain counsel for advice in this matter; and that she agrees to be bound by this document;

6. Respondent understands and acknowledges that this Consent Agreement and Final Order affects her license to practice as a registered professional nurse (R.N.) in the State of Kansas;

7. 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.

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 13-055947-012, with an expiration date of January 31, 1994;

2. The Board received a complaint 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 is unable to practice with skill and safety due to the current use of drugs or alcohol in violation of K.S.A. 65-1120(a)(4), as amended by L 1993 ch. 194 § 1;

5. On or about December 29, 1992, Respondent while employed and working as a registered professional nurse at the University of Kansas Medical Center, Knsas City, Kansas, diverted Meperidine from an agency for her own use in violation of K.S.A. 65-1120(a)(6) as defined by K.A.R. 60-3-110(a)(9);

6. On or about October 18, 1992, Respondent while employed and working as a registered professional nurse at the Olathe Medical Center, diverted Meperidine from an agency for her own use, in violation of K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(a)(9);

7. Respondent stipulates and admits to Counts I, II, III as contained in the Petition; and that her stipulation is knowingly and voluntarily made;

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;

9. Both 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. 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. 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. In lieu of proceeding to a full administrative hearing, Respondent waives her rights to: the right to an attorney at any or all stages of these proceedings, an adjudicative administrative hearing in which the evidence and witnesses against would be presented; cross-examination of the witnesses against her; the opportunity to present witnesses and evidence on her behalf; a decision by the board or its designee based on the evidence and findings of fact and conclusions of law; the right to seek reconsideration by the Board of any adverse decision and the right to seek judicial review by a district court of any adverse decision by the Board;

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

4. Respondent is unable to practice with skill or safety due to current abuse of drugs or alcohol in violation of K.S.A. 65-1120(a)(6);

5. Respondent is guilty of unprofessional conduct in that on December 29, 1992, diverted meperidine, a drug, from an agency in

violation of K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(a)(9);

6. Respondent is guilty of unprofessional conduct in that on October 13, 1992, she diverted meperidine, a drug, of an agency in violation of K.S.A. 65-(a)(6) as defined by K.A.R. 60-3-110(a)(9);

7. The petitioner and Respondent have entered into this Consent Agreement and Final Order which, when signed by both parties and approved by the Board or its designee, shall 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 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.) is hereby limited in a manner that Respondent will not practice nursing in a clinical setting or as a clinical nurse. Respondent will not work in any "hands-on" nursing involving patient care. this limitation shall continue as long as respondent holds a license to practice nursing or until this consent Agreement and Final Order is amended by mutual agreement of the parties or further Order of the Board. Respondent shall also meet the following conditions:

- A. Respondent shall continue with her Narcotics Anonymous program while she holds her license. Respondent shall submit proof of her attendance by quarterly reports to the Board's Practice Specialist;
- B. Respondent shall maintain a sponsor within her Narcotics program who shall submit quarterly reports about Respondent's participation in the program;
- C. Respondent shall notify the Board's Practice Specialist in writing where and how she is employed, and within ten (10) days of any changes in residence, home telephone number, employment and work situations.

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

Carla Lancaster
Carla Lancaster

August 26, 1993
Date

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

August 26, 1993
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 26th Day of August, 1993.

Helen R. Rice
Board Representative or
Board Designee