

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson # 1051
Topeka, Kansas 66612-1230

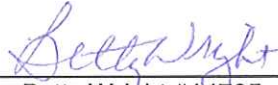
Filed
JUL 21 2004
Board of Nursing

IN THE MATTER OF
Dorothy Clark
LICENSE NO. 13-56600-012

CASE NO. 00-457-0

WITHDRAWAL OF REQUEST FOR LIFT OF STAY OF SUSPENSION

Comes now the petitioner and hereby withdraws it's REQEUST FOR EMERGENCY LIFT OF STAY AND TO SUSPEND LICENSE filed 6/29/2004. The respondent admitted a positive alcohol in a UDS on 4/12/04, however, KNAP reports that she has had a re-evaluation by her treater and has been found to be safe to practice nursing at this time. She has had two negative UDS's since that time, and is currently compliant with the program. Any future violations of her KNAP program will be grounds for refiling a lift of stay of suspension.



Betty Wright #14785
Disciplinary Counsel
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

On the 21 day of July , 2004, I deposited a copy of this notice and the above-referenced pleading with the United States Postal Service, postage pre-paid, addressed to:

Dorothy Clark
130 S Greenwich
Lot 82
Wichita, KS 67207



Betty Wright, Assistant Attorney General
785-296-7047

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

Filed
OCT 28 2003
Board of Nursing

IN THE MATTER OF
DOROTHY LEE CLARK
LICENSE NO. 13-56600-012

CASE 00-457-0

CONSENT AGREEMENT TO SUSPEND LICENSE WITH A STAY AND FINAL ORDER

NOW ON THIS 23rd day of October, 2003, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Dorothy Clark, enter into the following agreement:

1. Respondent is licensed to practice nursing in Kansas as a Registered Nurse 1/31/2004.
2. Respondent's address of record is 10426 Eagle Rd., Augusta, KS 67010.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

AGREED FINDINGS OF FACT

5. Respondent has a history of alcohol and prescription drug abuse. Respondent entered a Diversion Agreement with the Board on August 10, 2001. The action was taken due to the respondent's hospitalization in July 2000 for acute alcohol intoxication and worked in an impaired condition from medication on or around 8/31/00. Respondent agreed she would comply with KNAP requirements.
6. KNAP informed the respondent by letter 8/1/02 to suspend nursing practice due to a relapse on alcohol.

7. Knap informed the board on 2/11/03 that respondent had admitted she had a relapse to alcohol and that respondent was required to seek treatment. On 2/13/03 KNAP sent a letter to respondent and notified the board that the evaluation indicated she needed to enter the Lighthouse, a halfway house, for treatment, and she was to suspend practice until she could be re-evaluated for safety to practice nursing.

8. On 3/17/03 KNAP notified the board that respondent is noncompliant for failure to enter treatment.

9. Respondent is not employed at this point.

10. Respondent is currently in outpatient treatment at Addiction Specialists, in El Dorado, KS.

CONCLUSIONS OF LAW

11. Respondent has violated K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol; respondent has violated K.A.R.60-3-110(r) failing to comply with any disciplinary order of the Board; and respondent has violated K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the Board.

12. Respondent has the right to a hearing with evidence and witnesses and to seek review of the findings from that hearing in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Respondent is waiving those rights and voluntarily entering into this agreement instead of proceeding to such a hearing.

13. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a)

is established.

14: Respondent violated the Kansas Nurse Practice Act as follows:

Count 1: Respondent has violated K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

Count 2: Respondent has violated K.A.R.60-3-110(r) failing to comply with any disciplinary order of the board.

POLICY STATEMENT

15. The role of Kansas State Board of Nursing is to protect the citizens of Kansas.

DISPOSITION

16. 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.77-501 *et seq.* and to judicial review.

17. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the license will be issued and immediately **suspended** but such **suspension shall be stayed** and respondent will be allowed to practice under the following conditions:

a. Licensee shall participate in and complete the recommendations and requirements of the **Kansas Nurses Assistance Program (KNAP)**; sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report information to the board.

b. Licensee shall send a **money order for \$70** to the Board upon entering into this agreement.

c. Licensee is responsible for the costs related to satisfying these conditions.

18. If licensee does not meet these requirements, petitioner will file a motion to lift the stay and may request additional sanctions against licensee's license or application for a license.

Licensee would be sent notice of such action and would be entitled to a hearing as to whether he/she had complied with this agreement, but he/ she could not contest the established violation(s).

19. Licensee agrees to notify the Legal Division of any changes in his/her address and phone number as well as all nursing employment terminations or employer changes or additions. All such notifications shall be made within fourteen (14) days of such a change.

20. Licensee shall immediately notify the Legal Division of any use of alcohol, or controlled substances, or any violation of this Consent Agreement and Final Order.

21. The Board will inactivate this case file once licensee satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against licensee's license for any additional or cumulative violation of the Nurse Practice Act committed by the licensee before or after this agreement is entered into.

22. The parties understand and acknowledge that this is a disciplinary action, it will be in the newsletter and on the website. The original of this agreement shall be placed in the Agency Record and is a public record.

23. By signing this Consent Agreement, respondent acknowledges that he/she has read and understands the entire document, and agrees to be bound by its 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 CONCLUSION

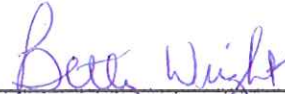
24. This case will be inactivated and a card with no suspension will be issued when:

- a) KNAP does **not issue a letter of noncompliance** through one year of agreement.
- b) cost of **\$70** is paid.
- c) No further violations of the Nurse Practice Act are reported.

CERTIFICATE OF SERVICE

On the 28th day of October, 2003, I caused a copy of this document to be mailed, postage prepaid, to :

Dorothy Clark
10426 SW Eagle Rd.
Augusta, Kansas 67010



Betty Wright, #14785
Assistant Attorney General