

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAY 06 2009

**IN THE MATTER OF
MARIANNE T. DIXON
License No. 13-057194-102**

KSBN

Case No. 98-585-9, 07-389-9

CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER

NOW ON THIS 14th day of July, 2009, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Licensee, Marianne T. Dixon, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

AGREED FINDINGS OF FACT

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee is licensed to practice nursing in Kansas through 10/31/2010. The Kansas State Board of Nursing (KSBN) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is 541 County Rd #170, Emporia, KS 66801.
3. 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 is established.
4. The Board entered into a Consent Agreement and Final Order with the respondent on July 7, 2008 and the respondent waived further hearing and stipulated that she had violated K.S.A. 65-1120(a).

5. Licensee had the right to hearings and the right to seek review of the findings from the hearings in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Licensee is waived those rights and knowingly and voluntarily entering into an agreement instead of proceeding to these hearings. This consent agreement to surrender and revoke her license will conclude Board action pending at this time against licensee's license.

6. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.

7. The respondent previously stipulated to the following facts as stated in items (a), (b), (c) and (d) when she entered into the Consent Agreement and Final Order with the Board on or about July 7, 2008:

(a) The respondent was employed at Newman Hospital in Emporia, Kansas when she was suspended for 3/21/07 due to documentation discrepancies as well as the alleged diversion of both morphine and oxycodone. She was referred to the [REDACTED] [REDACTED] and after she had enrolled in [REDACTED] P she was allowed to return to work on 4/23/07, so long as she remained compliant with K [REDACTED]

(b) The respondent tested positive for opiates on 12/20/07 and again on 1/2/08 for barbiturates. Both relapses were a violation of her [REDACTED] contract and her [REDACTED] P contract has been extended to 1/19/2010.

(c) [REDACTED]
[REDACTED]

(d) The respondent has one other discipline case, 99-585-9. She tested positive for Darvocet N. She completed treatment and her case was inactivated in December, 1999 and completed [REDACTED] on 5/22/00.

(e) The respondent entered into a Consent Agreement and Final Order with the Board on or about July 7, 2008 and by letter dated April 28, 2009 has informed the Board that she wants to

surrender her license because she is currently unable to meet the requirements of the Board and the [REDACTED]

CONCLUSIONS OF LAW

8. 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.

9. Respondent previously agreed that she violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

Count 2: 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 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.

POLICY STATEMENT

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

DISPOSITION

11. Based upon this agreement, the parties agree that Licensee is surrendering licensee's license to practice nursing in the state of Kansas.

12. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Licensee's license to practice nursing in Kansas is immediately revoked. Licensee shall not practice nursing in the state of Kansas.

13. Upon signing this agreement and returning it to the Board, licensee shall return licensee's license card with the agreement.

14. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document shall be kept in the Board's agency file. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Consent Agreement to Surrender and Revoke is the date shown on the certificate of service.

15. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

16. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

17. By their signatures, the parties hereby acknowledge this agreement.

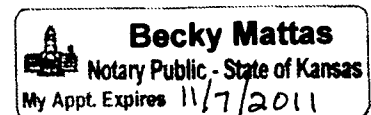
IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER.

IT IS SO ORDERED.

Marianne T. Dixon
Respondent
541 County Rd #170
Emporia, KS 66801

Marianne T. Dixon must sign before a Notary Public.

Becky Mattas



Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 11th day of July, 2009, I mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Marianne T. Dixon
541 County Rd #170
Emporia, KS 66801

Alma A. Heckler, #11555
Assistant Attorney General