

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson 1051
Topeka, Kansas 66612-1230

Filed
SEP 30 2003
Board of Nursing

IN THE MATTER OF
Elizabeth Bonilla
LICENSE NO. 13-062067-071

CASE NO. , 00-138-3

**CONSENT AGREEMENT TO REINSTATE WITH LIMITED LICENSE AND FINAL
ORDER**

NOW ON THIS 24th day of September, 2003, the Kansas State Board of Nursing, represented by disciplinary counsel, Betty Wright, and the Respondent, Elizabeth Bonilla, appear and proffer evidence and the parties suggest orders and the hearing officer adopts those recommendations and makes the following findings of fact and orders.

FINDINGS OF FACT

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

1. Respondent has applied for a reinstatement of her R.N. license to practice nursing in Kansas on 7/7/2003.
2. It has been established that Respondent's license was previously revoked on February 22, 2001.
3. The respondent had offered to surrender her license at that time, a hearing was waived and an Order Revoking License with a Voluntary Surrender was final March 29, 2001. Respondent violated the nurse practice act K.S.A. 65-1120(a)(3f) and (a)(6), through incompetent and unprofessional practice when she acted as a midwife in the complicated delivery of a baby in a home in Kansas on 8/5/99. Respondent had failed to adhere to the applicable standard of care, assumed duties and responsibilities without adequate preparation or the competency had not been maintained, failed to take appropriate action to safeguard the patient, performed acts beyond the authorized scope of her license, and was fraudulent or deceitful in her practice.

4. Respondent has the right to a hearing for reinstatement with evidence and witnesses to establish evidence of his/her fitness to practice nursing 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 and the Kansas State Board of Nursing are waiving those rights and voluntarily entering into this consent agreement instead of proceeding to such a hearing.

5. As evidence to establish competence to practice nursing, the respondent provided a letter dated July 3, 2003 in which she described her remorse for the tragic outcome in the incident precipitating the revocation of her nursing license. She described working as an assistant and teacher for the Salina Rescue mission since the revocation. She supplied a character reference letter dated 6/2/03, from Barbara Longenecker, MSN, RN, ARNP vouching for her dedication and character; another dated 6/22/03 from JB Mann, MD, FAAP of Wichita State University describing her good character and nursing skills, another from Keri Bell, undated, but submitted with the others vouching for her character as an old friend; Linda Blount, a mother of two of Bonilla's previous patients wrote on her behalf, describing her nursing skill when she cared for her two sons; a former employer, Randall D. Jasperson, DC vouched for her nursing skills.

CONCLUSIONS OF LAW

6. 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.

POLICY STATEMENT

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

DISPOSITION

7. The respondent violated the Kansas Nurse Practice Act in the past, however with her application for Reinstatement of 7/7/03 has provided substantial competent evidence to the Board to establish consideration for reinstatement. The parties agree that at this time respondent may be reinstated with the following **limitation of her nursing practice**:

(a) Respondent will **limit her practice to include no midwifery or obstetrical practice through this and all subsequent renewal periods** unless or until she would qualify as an advanced registered nurse practitioner by completing a specialty certification in nurse midwifery. An L will appear on the license until that would occur.

8. The following requirements must also be met:

(a) Pay costs of this action **\$70.00** to the board by certified check or money order;

9. Respondent is responsible for the costs related to satisfying these conditions;

10. If respondent does not meet these requirements the Board of Nursing may request additional sanctions against applicant's license or application for a license. Respondent would be sent notice of such action and would be entitled to a hearing as to whether she had complied with these orders, but respondent could not contest the established violations.

IN CONCLUSION

11. This case will be inactivated and a card with no limitation will be issued at renewal if and when:

a) Respondent would ever complete and receive certification as an advanced registered nurse practitioner with a specialty as a nurse-midwife.

b) No further violations of the Nurse Practice Act are reported.

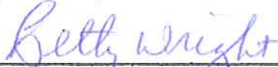
Once all of above are met, and there are no further violations of the agreement or the act, at the next renewal date in March 2005, the licensee will mail in the "L" card to the Board, and a renewal can be made with no restrictions.

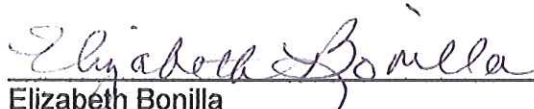
IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT to
REINSTATE with LIMITED LICENSE AND FINAL ORDER.



Terry Beck, Hearing Officer

Prepared by:

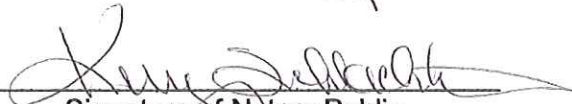

Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-4325

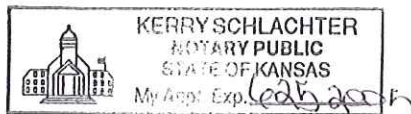

Elizabeth Bonilla
203 W. Kirwin Ave
Salina, KS 67401
Licensee

State of Kansas)
County of Salina) SS

Subscribed to before me by Elizabeth Bonilla on this 23 day of September, 2003.

(seal)


Signature of Notary Public



CERTIFICATE OF SERVICE

On the 20th day of September, 2003, I caused a copy of this document to be mailed, postage prepaid, to:

Elizabeth Bonilla
203 W. Kirwin Ave
Salina, KS 67401


Melissa Graham,
Administrative Assistant