

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
ALFA A. BETTS
License No. 13-062114-072**

Case No. 04-133-5

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 7th day of August, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Alfa A. Betts, 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

1. Respondent is licensed to practice nursing in Kansas as a registered nurse through July 31, 2006. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
 2. Respondent's address of record is 2421 Yellowstone Unit 1804, Wichita, KS 67215.
 3. The Respondent understands that pursuant to K.S.A. 77-515, respondent may be represented at respondent's expense by, an attorney during these proceedings.
 4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
 5. 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.
 6. (a) Respondent was employed at Wesley Medical Center, 550 North Hillside, Wichita, Kansas, from on or about July 7, 1980 thru on or about November 6, 2003. Between
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1999 and her termination in November of 2003, Respondent was counseled seven (7) times for medication errors, four (4) times for attendance issues, and three (3) times for inappropriate behaviors with parents and other Wesley staff.

(b) Wesley staff reported that on or about October 25, 2003, Respondent was to administer caffeine to an infant patient at 1000 hours. Respondent documented administering the caffeine as ordered on the Medication Administration Record (MAR). Wesley staff reported finding the syringe in the patient's bed at 1530 hours. The syringe contained the full amount of medication that was to be given.

(c) Wesley staff reported that on or about October 25, 2003, Respondent was to administer caffeine to another patient at 1000 hours. Respondent charted on the MAR that the medication was given as ordered. Wesley staff reported finding the dose of medication in a drawer.

(d) On or about October 27, 2003, Respondent tested positive for cocaine. On or about August 6, 2004, Respondent was referred to the [REDACTED] by the Kansas State Board of Nursing Investigative Committee.

(e) [REDACTED]

(f) On or about October 3, 2005, [REDACTED]

(g) On or about April 5, 2005, a petition was filed before the Kansas State Board of Nursing based on the above information.

7. The above incidents are violations of the nurse practice act. The respondent agrees that the board is prepared to prove that respondent has violated: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any

record of a patient or agency or of the board; 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; K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol; 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.

8. 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.

CONCLUSIONS OF LAW

9. 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.

10. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

Count 2: 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 3: 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 4: 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

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

DISPOSITION

12. 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.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this Consent Agreement will continue through any renewal periods of respondent's nursing license until respondent completes each of the conditions and requirements of this agreement. The Kansas State Board of Nursing will not take disciplinary action against respondent's nursing license for the violations stated above as long as respondent meets the following requirements:

(a) **Respondent shall receive a license card which shall be issued with an "S" placed in the status code portion of the license card to indicate that the license is suspended. The suspension will be stayed as long as requirements within this agreement are met. The card will have an "L" indicating the limitations on the practice.**

(b) Respondent shall have a limitation on her license. **The limitation prohibits the respondent from working with patients under the age of thirteen (13) during the term of this Consent Agreement.**

(c) Respondent will **participate in and complete the reasonable recommendations and requirements of the** [REDACTED] sign releases of information necessary for KNAP to evaluate and monitor respondent and for [REDACTED] to report information to the board. Respondent will be deemed to have completed the

██████████ when ██████ issues written notification that respondent has completed the program. Noncompliance with ██████ is a violation of this agreement.

(d) **Respondent must submit to random drug screens as determined or selected by the Board or by ██████.** The costs of the drug screens will be paid by the respondent. Respondent agrees that a Positive Drug Screen is a violation of this agreement.

(e) Respondent shall immediately **notify the Legal Division of any use of alcohol, if prohibited by ██████ or controlled substances, or any violation of this Consent Agreement and Final Order.**

(f) The respondent shall immediately **inform all employers and prospective employers of this Consent Agreement and the Final Order.**

(g) **Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.**

(h) Respondent shall **not violate the Kansas Nurse Practice Act** during the duration of this agreement.

(i) Respondent shall **not violate the laws of the United States, of State, or of any political subdivision of any State during the term of this agreement.** Traffic infractions shall not be considered violations of the law.

(j) Respondent is responsible for the costs related to satisfying these conditions and requirements.

14. If respondent does not meet these requirements, then Kansas State Board of Nursing may request additional sanctions against respondent'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 respondent had complied with this agreement, but respondent could not contest the violations listed in this agreement.

15. The Board will inactivate this case file once respondent satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against respondent's

license for any additional or cumulative violation of the Nurse Practice Act committed by the respondent before or after this agreement is entered into.

16. This agreement is a contract entered into by the parties to resolve a REVOCATION case. The original of this agreement shall be placed in the Agency Record and is a public record.

17. By signing this Consent Agreement, respondent acknowledges that respondent 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.

18. After successful completion of all of the requirements of this Consent Agreement by the respondent, the Consent Agreement will be satisfied and the case will be inactivated.

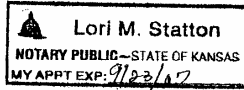
IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT AND FINAL ORDER.

IT IS SO ORDERED.

X

Alfa A. Betts must sign before a Notary Public.

Alfa A. Betts
Respondent
2421 Yellowstone Unit 1804
Wichita, KS 67215



State of Kansas, County of Sedgewick ss.

SUBSCRIBED AND SWORN TO before, me by Alfa A. Betts

on this 25th day of July, 2006.

Signature of Notary Public

My Commission Expires

9/23/07
(Notary Public Seal)



Mark A. Knight, #12183
Assistant Attorney General
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230

Terry E. Beck, Hearing Officer

CERTIFICATE OF SERVICE

On the 9th day of AUGUST, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Alfa A. Betts
2421 Yellowstone Unit 1804
Wichita, KS 67215

Mark A. Knight, #12183
Assistant Attorney General