

BEFORE THE KANSAS STATE BOARD OF NURSING

LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #551-S
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF
THE LICENSE OF
RN NO. 13-64007-51
GINGER DELKER

CASE NO. 98-620-9

AGREEMENT REGARDING SURRENDER OF LICENSE

Now on this 28th day of November, 2001, the board of nursing, represented by disciplinary counsel, Michelle Davis, and the respondent, Ginger Delker, hereby enter into this agreement to settle this case.

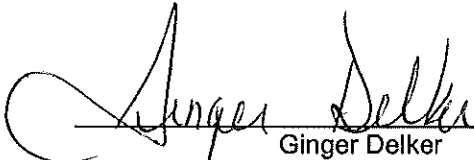
NATURE OF THE CASE

1. Respondent is licensed as a nurse through 5/31/2003. The board has jurisdiction over the licensee and the subject matter of this action.
2. Under the nurse practice act, the board may deny, revoke, limit, or suspend a license or authorization to practice nursing or may issue a censure if a violation of K.S.A. 65-1120(a) is established.
3. On May 28, 1999, the parties entered into a stipulation agreement based on a finding that in 1988, respondent violated K.S.A. 65-1120(a)(4), drug impairment, and (a)(6), unprofessional conduct-drug diversion. Continued licensure of respondent was conditioned upon respondent meeting the requirements of the Kansas Nurses Assistance Program (KNAP).
4. In 9/01, KNAP closed respondent's case for non-compliance with certain requirements; respondent has decided not to continue with the practice of nursing.
5. Petitioner is prepared to file a petition seeking revocation of respondent's license because the terms of the stipulation agreement have not been met. Respondent has the right to a hearing on the petition and the right to seek review of the findings from that hearing in accordance with the Kansas administrative procedure act and the Kansas act for judicial review and civil enforcement of agency actions. Respondent is waiving those rights and knowledgeable and voluntarily entering into this surrender agreement instead of proceeding to a hearing. This agreement will conclude board action against respondent's license.

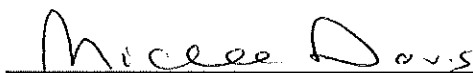
DISPOSITION

6. Respondent is surrendering her license to practice nursing in Kansas. This surrender is being made with disciplinary action pending; therefore, respondent's surrender of her license shall have the same effect as, and be treated as, a revoked license based on the violations stated in paragraph 3 above.
7. Upon signing this surrender agreement and returning it to the board, respondent is also returning her license card and respondent shall not practice nursing in Kansas.
8. The board does report this surrender agreement to data banks, other entities, and in its newsletter. The original of this document shall be kept in the board's agency file and its contents may be disclosed to the public upon request.
9. If respondent does seek reinstatement of her license, then respondent shall have the burden to prove her fitness to practice nursing in accordance with the *Vakas* factors.

By their signatures, the parties hereby acknowledge this agreement.



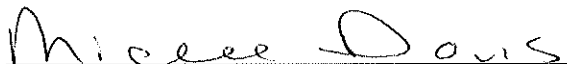
Ginger Delker
Licensee-Respondent
1115 N. Kuney
Abilene, Kansas 67410-1931



Michelle Davis
Disciplinary counsel for the board
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
785-296-8400

CERTIFICATE OF SERVICE

On the 30th day of November, 2001, I mailed a copy of this document to Ginger Delker at the above address.



Michelle A. Davis