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OCT 7 2008

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
LINDA M. TRAINOR
License No. 13-064033-101**

Case No. 06-095-6, 06-1074-6, 07-123-6

CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER

NOW ON THIS 8th day of October, 2008, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Licensee, Linda M. Trainor, 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 10/31/2009. 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 4160 W. Main Street, Chanute, KS 66720, but in her last letter to the Board her address is listed as 4160 W. Main Street, Earlton, Kansas 66720.
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 has requested that a petition be filed to take disciplinary action against the licensee's license.

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5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).

6. Licensee has the right to these 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 waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

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

8. (a) Three investigations are pending against the Respondent:

#06-095-6 - Respondent failed to properly assess and notify physician of residents fall;

#06-1074-6 - Respondent failed to order and assure supplies were present, failed to obtain pleurx canister for chest tube and order incentive spirometry;

#07-123-6 - Respondent had a positive UDS for marijuana.

When notified by the Board Investigator of the most recent investigation in Case No. 07-123-6, the Respondent indicated by a letter, received August 12, 2008, she intended to surrender her license. She reported she had recently been diagnosed with a debilitating illness and is no longer able to work as a nurse.

(b) The Board agreed to accept her surrender and forwarded the investigative files to Legal Division for preparation of the Surrender document.

(c) The Respondent has three pending investigative cases. Two involve gross negligence and failure to follow policy and procedure and one was opened due to a positive urinary screen for marijuana. If the Respondent recovers her health, and wishes to reinstate her license, all three cases will have to be addressed and the Respondent will have to provide proof of her safety to practice.

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. Count 1: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(1), one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

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.

POLICY STATEMENT

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

DISPOSITION

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

13. 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.

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

15. 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 and its contents may be disclosed to the public upon request.

16. 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.

17. 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.

18. 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.

Linda M. Trainor must sign before a Notary Public.

Linda M. Trainor
Licensee
4160 W. Main Street
Chanute, KS 66720

State of Kansas, County of Allen ss.

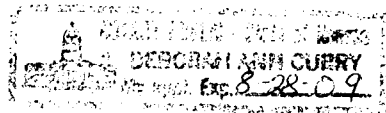
SUBSCRIBED AND SWORN TO before me by Linda M. Trainor

on this 29 day of September, 2008.

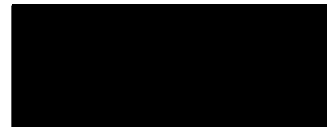
Signature of Notary Public

My Commission Expires 8-28-09

(Notary Public Seal)



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 10th day of October, 2008, I mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Linda M. Trainor
4160 W. Main Street
Chanute, KS 66720

Linda M. Trainor
4160 W. Main Street
Earlton, KS 66720

Alma A. Heckler, #11555
Assistant Attorney General