

BEFORE THE KANSAS STATE BOARD OF NURSING  
LONDON STATE OFFICE BUILDING  
900 S.W. JACKSON, ROOM 551-S  
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF: )  
 )  
P. SUZANNE DEGRAFF ) CASE NO. 93-0109-7  
 )  
LICENSE NO. 13-066748-081)



INITIAL ORDER

Now on this 7th day of July, 1994, the above-captioned matter comes on for hearing before Helen R. Rice, the Board's designated Hearing Officer, on the Petition filed with the Board. The Petitioner appears through Assistant Attorney General Mark S. Braun, Disciplinary Counsel for the Board. The Respondent, P. Suzanne Degraff appears in person and through her attorney, Shawn E. Degraff.

The Hearing Officer notes for the record that the Petition in this case was filed December 30, 1993 and was served on the Respondent at her address last known to the Board on December 30, 1994. The hearing in this case was originally scheduled for January 13, 1994, but was continued by agreement of the parties. The matter was continued to May 26, 1994, by agreement of the parties. The matter was again continued. Respondent was served a Notice of Hearing on June 24, 1994 that the matter would be heard July 7, 1994.

The Hearing Officer asks both sides if they are ready to proceed. Both sides indicate they are ready. The Hearing Officer asks the Respondent if she wants the charges in the Petition formally read to her. Respondent waives the reading of the charges

in the Petition. The Hearing Officer asks the Respondent if she has any objections to the form of the Petition; the filing of the Petition; Notice of the proceedings; or the Board's or the designated Hearing Officer's authority to hear this matter. Respondent, through counsel, states she has no such objections. Notice and Service are approved in this matter.

The Hearing Officer inquires if there are any preliminary matters. Petitioner states the parties have entered into a Stipulation Agreement, which is presented to the Hearing Officer. The Hearing Officer inquires of the Respondent if she understands the terms and conditions of the agreement. Respondent, through counsel, indicates she does. Whereupon the Hearing Officer accepts the signed Stipulation Agreement as part of the findings of fact and conclusions of law in this case.

Petitioner's Counsel further states that the parties have agreed to submit as Petitioner's Exhibit #1, a packet of materials that are medical records from the University of Kansas Medical Center regarding a patient identified as "Jane Doe." Petitioner seeks a protective order to protect the patient's identity and privacy in this case. Respondent is aware of the patient's identity and has previously received and reviewed the records. The parties agree and request to use a redacted copy of the records in the hearing to protect the patient's identity and to submit a non-redacted copy of the records in a sealed envelope, which is not to be opened until further order of the Board or Hearing Officer. The Hearing Officer grants the request of the parties and orders: the

patient in this matter is to be referred to as "Jane Doe;" Petitioner's Exhibit 1 is admitted in its redacted form; and the non-redacted form is to be submitted as part of the agency record in a sealed envelope and not opened or reviewed until further order of the Board or a designated Hearing Officer.

Based on the Stipulation Agreement, the Hearing Officer finds that the Respondent has violated the Kansas Nurse Practice Act as to Count I, specifically that Respondent committed an act of unprofessional conduct in violation of K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(a)(3), by failing to take appropriate action or to follow procedures in the practice situation designed to safeguard the patient.

The matter proceeds to disposition. Based on the Stipulation Agreement, the parties have agreed upon a disposition of censure, The issue in this matter is whether the censure should be a public or private censure. Both sides are permitted to make statements, call witnesses and provide rebuttal. The Respondent's counsel calls the Respondent to testify. Whereupon the Respondent is sworn, examined and cross-examined. The Hearing Officer also inquires of the Respondent. Both counsel re-examine and cross-examine the Respondent. Petitioner and Respondent make closing statements regarding disposition.

The Hearing Officer recesses the hearing for deliberation and preparation of her decision. Whereupon, after a period of time, the Hearing Officer reconvenes the hearing. The Hearing Officer states that after considering the Stipulation Agreement, the

testimony and evidence presented in this matter, the Hearing Officer issues the following findings of fact, conclusions of law and order.

#### FINDINGS OF FACT

1. The Stipulation Agreement is hereby approved, adopted and incorporated as the Findings of Fact in this matter. The Stipulation Agreement is to be attached to the Initial Order.

3. Respondent, after explanation and consultation with her counsel, stipulated to the facts and violations as stated in the Stipulation Agreement.

4. These additional Findings of Fact are made by the Hearing Officer based on the testimony and argument related to the disposition in this case.

5. There was no affidavit of a unit policy submitted to the Hearing Officer as to whether or not there was a written or verbal policy regarding I.V. medications.

6. No notation of the change in the doctor's order or written in the nurses' notes was made by this Respondent.

7. The Respondent acknowledged in her testimony that such a change should have been documented in the Nurses' Notes.

8. The Respondent testified she received the physician's order in question in Petitioner's Exhibit #1.

9. The Respondent did not have a subsequent physician's order, written and/or verbal, to "DC" (discontinue) the physician's order in question.

10. Respondent stated her policy was to circle a medication when not given for whatever reason and then would make a notation of such.

11. There is no notation noted by this Hearing Officer in the record that any orders were not followed - and for what reasons - nor that they were discontinued by a doctor's order in this case, despite the bad judgement of the Respondent.

#### CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction over this Respondent by virtue of her license to practice as a registered professional nurse (R.N.), in the State of Kansas.

2. The Board of Nursing has jurisdiction over the subject-matter of this proceeding by virtue of the Board's authority in granting, denying, limiting, suspending, revoking or other licensure action pursuant to K.S.A. 65-1120.

3. Respondent appears in person and with counsel.

4. Respondent stated she received the notice in this matter, which included the Notice of Hearing and the Petition. Respondent, through counsel, stated she has no objection to the service or notice in this matter.

5. Pursuant to K.S.A. 77-514, the Board of Nursing may designate a hearing officer to preside over these proceedings.

6. Pursuant to K.S.A. 65-1120(a), the Board of Nursing may publicly or privately censure (as well as other disciplinary options) an applicant or licensee if the applicant or licensee is

found to have committed any of the violations identified in K.S.A. 65-1120 (a) (1)-(8).

7. Respondent stipulated and admitted that she failed to follow procedures and policies of the hospital for which she worked, which were designed to safeguard the patient. Such conduct by the Respondent constitutes a violation of the Kansas Nurse Practice Act, specifically K.S.A. 65-1120(a)(6), unprofessional conduct as defined by K.A.R. 60-3-110(a)(3), and is a ground to take disciplinary action against Respondent's license to practice as a registered professional nurse in the State of Kansas.

8. Respondent has violated the Kansas Nurse Practice Act.

9. The parties have already agreed, and the Hearing Officer adopts as a conclusion of law, that censure is appropriate.

10. There are no standards to determine whether a censure should be public or private, but at the discretion of the Hearing Officer.

#### ORDER

Based on the adoption of the Stipulation Agreement, the Findings of Fact, and the Conclusions of Law, IT IS THEREFORE ORDERED that based on the Stipulation Agreement, the severity of the allegations, and the Respondent's disregard for nursing practice, that a **Public Censure** is appropriate and shall be made in this matter. In addition, the Respondent shall meet the conditions stated in the Stipulation Agreement in order to practice as registered professional nurse in the State of Kansas: (1) obtain three extra hours of continuing education in the area of charting

and documentation prior to December 31, 1994. These three hours are in addition to, and not to be counted toward the thirty (30) hour requirement for renewal of her next licensure renewal in August 31, 1995; (2), notify the Board's Practice Specialist of any change in employment and the name of her immediate nursing supervisor; (3), cause her employer to submit quarterly reports to the Board's Practice Specialist for one year. The quarterly reports shall provide information about Respondent's work performance, with specific attention to her documentation and charting. The reports shall be due October 20, 1994; January 20, 1995; April 20, 1995; and July 20, 1995.

IT IS SO ORDERED

  
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Helen R. Rice  
Hearing Officer

Prepared by: Mark S. Braun

**NOTICE REGARDING RELIEF FROM THIS ORDER**  
**STATEMENT OF APPEAL RIGHTS**

This is an Initial Order. The parties to whom this Initial Order is issued may file a petition for review with the Agency Head within fifteen (15) days after service of this order. The Petition for review must state the specific grounds upon which relief is requested. Unless a later date is stated within the Initial Order, a stay is granted, or the order is reviewed, an Initial Order shall become a final order without further notice or proceedings thirty (30) days after the date of service as indicated by the attached certificate of service.

CERTIFICATE OF SERVICE

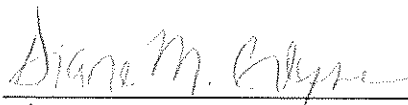
This is to certify that a copy of the foregoing INITIAL ORDER was served by depositing same in the United States Mail, first class postage prepaid, this 16<sup>th</sup> day of September, 1994 to:

P. Suzanne DeGräff  
12408 Seminole  
Olathe, Kansas 66062  
Respondent

Shawn E. Degraff  
12400 W. 62nd Terrace  
Shawnee, Kansas 66216  
Attorney for Respondent

and Hand Delivered to:

Mark S. Braun  
Assistant Attorney General  
Disciplinary Counsel  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson, Suite 551-S  
Topeka, Kansas 66612-1230

  
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Diane M. Glynn, J.D., R.N.  
Practice Specialist