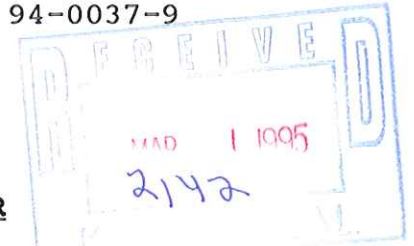


BEFORE THE KANSAS STATE BOARD OF NURSING  
LONDON STATE OFFICE BUILDING  
900 S.W. JACKSON RM 551-S  
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF: )  
 )  
THOMAS SNOOK )  
LICENSE NO. 13-066845-121)

CASE NO. 94-0037-9



CONSENT AGREEMENT AND FINAL ORDER

COMES NOW the Petitioner, the Kansas State Board of Nursing, hereinafter referred to as the "Board", by and through Assistant Attorney General Mark S. Braun, and the Respondent, Thomas Snook, by and through counsel, Tim W. Ryan, Ryan and Ryan, P.A., Clay Center, Kansas, and respectfully request the Board, or its designee, to approve this Consent Agreement and Final Order as the resolution in this case. By entering into this Consent Agreement and Final Order, both parties waive their right to a full administrative hearing pursuant to K.S.A. 65-1120(b) and K.S.A. 77-523. This Consent Agreement and Final Order affects the Respondent's license to practice as a registered professional nurse (R.N.) in Kansas.

**AGREEMENT**

It is the intent and purpose of this Consent Agreement and Final Order to provide for settlement of all issues currently

before the Board without the necessity of a formal hearing. Respondent, with the advice of counsel, knowingly and intelligently waives his right to a hearing on the issues currently before the Board relating to his license. The parties agree as follows:

1. Both parties to this Agreement acknowledge that the Board received information and conducted an investigation as to whether Respondent violated the Kansas Nurse Practice Act. Based on that investigation, there are reasonable grounds to believe Respondent violated the Act. Respondent's attorney was provided factual and documentary information regarding the specific counts stated in the Petition.

2. Respondent, with advice of counsel, acknowledges and understands that: he has the right to a full and fair hearing on the allegations made by the Petitioner. At such hearing, the Petitioner would be required to present witnesses and evidence in support of the allegations. Respondent, through his counsel, would have the opportunity to cross-examine Petitioner's witnesses and present witnesses and evidence on his behalf. The matter would be decided on the evidence presented and a decision would include findings of fact and conclusions of law and the right to seek reconsideration of any adverse order issued by the Board and the right to seek judicial review of any adverse Board order or decision. Respondent, with the advice of counsel, understands that by entering into this Consent Agreement and Final Order, he is waiving all of the above-mentioned rights.

3. In lieu of proceeding to a full hearing, Respondent admits and stipulates to the violation alleged in the Petition. Respondent, with the advice of counsel, understands that by admitting and stipulating to that count, he is admitting to a violation of the Kansas Nurse Practice Act, and that disciplinary action could be taken against his license for that violation.

4. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license to practice as a registered professional nurse (R.N.) will be privately censured. As a part of this Agreement and Order, the Respondent shall obtain a minimum of three (3) hours of continuing education in the area of medication administration by July 1, 1995. Respondent shall submit proof of obtaining these three (3) hours within 15 days of the date the hours are earned. If the hours are not obtained and, if proof is not submitted as required and agreed, the matter shall come back before the Board or its designee for further disciplinary action.

5. By signing this Consent Agreement and Final Order, Respondent acknowledges he has read the entire document; that he has obtained counsel who advised him in this matter; that he is satisfied with the representation in this matter; and that he agrees to be bound by this document.

6. Should the Board, or its designee, modify or change the Consent Agreement and Final Order in any manner unsatisfactory to either party, either party may withdraw its consent and the matter will proceed to hearing. Further, if the Consent Agreement and Final Order, as signed by the parties, is not acceptable to the

Board, or its designee, neither party shall be bound to any representations made in this agreement.

#### FINDINGS OF FACT

1. Respondent is licensed to practice as a registered professional nurse (R.N.) in the State of Kansas, having been issued license number 13-066845-121, with an expiration date of December 31, 1995.

2. The Board received information and conducted an investigation into alleged violations of the Kansas Nurse Practice Act by the Respondent.

3. The Board found there were reasonable grounds to believe Respondent violated the Kansas Nurse Practice Act.

4. Respondent, with the advice of counsel, stipulates and admits to the violation charged in the Petition.

5. On or about December 9, 1993, while licensed and working as a registered professional nurse (R.N.) in the State of Kansas, Respondent failed to follow procedures and policies designed to safeguard the patient in violation of K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(a)(3).

6. In lieu of proceeding to a full administrative hearing, the parties have agreed to enter into and be bound by this Consent Agreement and Final Order.

7. The Parties understand and acknowledge that, pursuant to K.S.A. 45-215 et seq., the signed original of the Consent Agreement and Final Order shall remain in the custody of the Board as a public record.

### CONCLUSIONS OF LAW

1. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter pursuant to K.S.A. 65-1120.

2. Respondent is represented by counsel. Through the advice of counsel, Respondent is aware of his rights as stated in paragraph 2 of the Agreement section of this Consent Agreement and Final Order.

3. Respondent, with the advice of counsel, has stipulated and admitted to the violation charged in the Petition. Based on that stipulation, Respondent has violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and the Board, or its designee may take action against the Respondent's license.

4. Respondent is guilty of unprofessional conduct in that on or about December 9, 1993, he failed to follow procedures and policies designed to safeguard the patient, in violation of K.S.A. 65-1120(a)(6), as defined K.A.R. 60-3-110(a)(3).

5. The Petitioner and Respondent have entered into this Consent Agreement and Final Order which, when signed by both parties and the Board or its designee, will be binding on the parties and the Board.

### FINAL ORDER

WHEREFORE, based on the foregoing Agreement, Findings of Fact and Conclusions of Law, IT IS THEREFORE ORDERED that the following action will be taken against the Respondent's license to practice as a registered professional nurse (R.N.) in the State of Kansas:

Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license to practice as a registered professional nurse (R.N.) will be privately censured. As a part of this Agreement and Order, the Respondent shall obtain a minimum of three (3) hours of continuing education in the area of medication administration by July 1, 1995. Respondent shall submit proof of obtaining these three (3) hours within 15 days of the date the hours are earned. If the hours are not obtained and proof submitted as required and agreed, the matter shall come back before the board or its designee.

IN WITNESS WHEREOF, the parties hereunto execute this Consent Agreement and Final Order:

Thomas Snook  
THOMAS SNOOK  
Respondent

2-22-95  
DATE

Tim Ryan  
TIM W. RYAN  
Ryan and Ryan, P.A.  
Attorney for the Respondent

2/27/95  
DATE

Mark S. Braun  
MARK S. BRAUN  
Assistant Attorney General  
Board Disciplinary Counsel

3/15/95  
DATE

WHEREFORE, the provisions stated above are hereby adopted and made the Final Order of the Kansas State Board of Nursing.

IT IS SO ORDERED.

Dated this 15th day of March, 1995



Board Representative or  
Board Designee

CERTIFICATE OF SERVICE

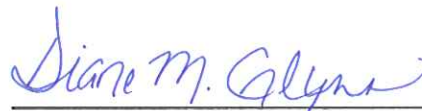
This is to certify that a copy of the foregoing Consent Agreement and Final Order was served by depositing same in the United States Mail, first class postage prepaid, this 15th day of March, 1995 to:

Thomas Snook  
Box 271  
Wakefield, Kansas 67487

Tim W. Ryan  
Ryan and Ryan P.A.  
PO Box 205  
Clay Center, Kansas 67432

and by hand delivering a copy to

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



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