

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
Kristen Ann Mulholland**

**License No. 13-67480-022
Case No. 16-790-0**

CONSENT AGREEMENT AND FINAL ORDER

The Kansas State Board of Nursing, represented by Assistant Attorney General Bryce D. Benedict, and the Respondent, Kristen Mulholland, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

1. Respondent is licensed to practice nursing in the State of Kansas. The Kansas State Board of Nursing (KSNB) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent understands that he or she may be represented at respondent's expense by an attorney during these proceedings.
3. 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.
4. 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.
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

6. 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.

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 and K.S.A.77-501 et seq. and to judicial review.

AGREED FINDINGS OF FACT

7. The respondent stipulates to the following facts:

(a) Respondent entered into a Diversion Agreement with the Kansas State Board of Nursing in which the respondent stipulated that: "Applicant entered into a Settlement Agreement with the Missouri State Board of Nursing in case no. 2015-000216 with an effective date of March 8, 2016. Applicant stipulated she had failed to document the administration or wastage of oxycondone, hydrocodone, and hydromorphone. Applicant stipulated that her conduct constituted a violation of a professional trust or confidence. The Missouri Board of Nursing placed the applicant on probation for three years and imposed a number of restrictions upon applicant and her nursing license. On applicant's reinstatement applications she denied that any license had been limited or other disciplinary action taken by any state."

The respondent also stipulated in the Diversion Agreement to the following three violations of the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state.

Count 2: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: 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)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

- (b) The Diversion Agreement provided that respondent's application for reinstatement would be approved if the respondent complied with disciplinary terms that had been imposed by the Missouri Board of Nursing, among which was a requirement for random drug screens.
- (c) Respondent executed this agreement and returned it to the Kansas State Board of Nursing on or about January 3, 2017, and the Diversion Agreement was then approved by the Board along with approving her reinstatement.
- (d) Respondent did not reveal to the Kansas State Board of Nursing that she had failed to comply with the terms of her Missouri disciplinary case, and that Missouri had revoked her license on October 4, 2016.
- (e) Respondent is not complying with the terms of the Missouri disciplinary case, and is in breach of her Diversion Agreement.

CONCLUSIONS OF LAW

8. The respondent is in breach of her Diversion Agreement, she has violated the Kansas Nurse Practice Act as stipulated above, and she has committed an additional violation of the Kansas Nurse Practice Act, i.e. K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing, specifically deceit in representing she would comply with Missouri disciplinary requirements that she knew no longer existed.

DISPOSITION

9. The Kansas State Board of Nursing will not take additional disciplinary action against respondent's nursing license for the violations stated above as long as respondent completes each of the following conditions and requirements:

(a) The respondent shall inform all employers and prospective employers of this Consent Agreement and the Final Order. This requirement shall last until such time as the KSBN inactivates this case as set out below.

(b) Respondent shall send a money order for \$100.00 to the Board upon entering into this agreement to pay the cost of this action.

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

(d) 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.

(e) Respondent agrees to a referral to KNAP and to abide by its recommendations.

(f) Respondent's license will be suspended until she has been compliant with any KNAP contract for three months.

10. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this Consent Agreement and Final Order will continue through any renewal periods of respondent's nursing license until respondent completes each of the conditions and requirements of this agreement. Further, the parties agree that in the event of a lapse of Respondent's nursing license, reinstatement of Respondent's nursing license shall be contingent upon this Consent Agreement and Final Order remaining in effect until Respondent completes each of the conditions and requirements of this agreement.

11. Respondent acknowledges and agrees that Respondent is responsible for the costs related to satisfying the conditions and requirements of this Consent Agreement and Final

Order. Respondent further acknowledges and agrees that to provide the Board with false information regarding compliance with this Consent Agreement is a violation of this Consent Agreement and Final Order.

12. If Respondent does not meet these conditions and requirements, the 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 Consent Agreement and Final Order, but Respondent could not contest the facts or violations listed in this agreement.

13. All parties understand that if an action based on failure to meet the conditions and requirements of this Consent Agreement and Final Order is filed, K.S.A. 77-531 requires the Notice of Hearing to be served upon the Respondent and the Respondent's attorney of record, if any. All parties agree that only serving the Notice of Hearing upon the Respondent will be proper service and it is the Respondent's responsibility to contact his or her attorney, if any, in reference to the action.

14. 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 Kansas Nurse Practice Act committed by the Respondent before or after this agreement is entered into.

15. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. The original of this agreement shall be placed in the Agency Record. This Agreement is a public record and will be reported to national disciplinary data banks.

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

17. By signing this Consent Agreement and Final Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement and Final Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties. The effective date of this Consent Agreement and Final Order is the date shown on the certificate of service.

18. The 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.

19. **Respondent's license is suspended.**

20. Disciplinary counsel shall serve a copy of this order upon the respondent.

IT IS SO ORDERED.

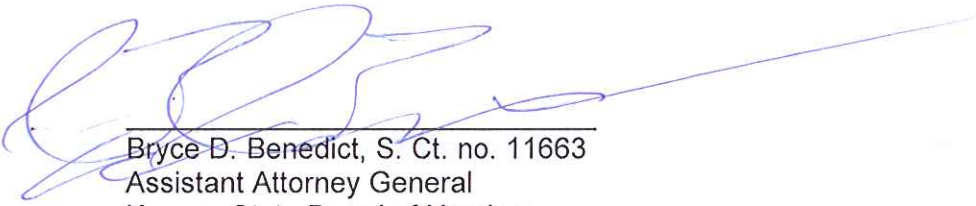


Judith Hiner, Presiding Officer
Chair, Investigative Committee
Kansas State Board of Nursing

APPROVED BY:



Kristen Ann Mulholland

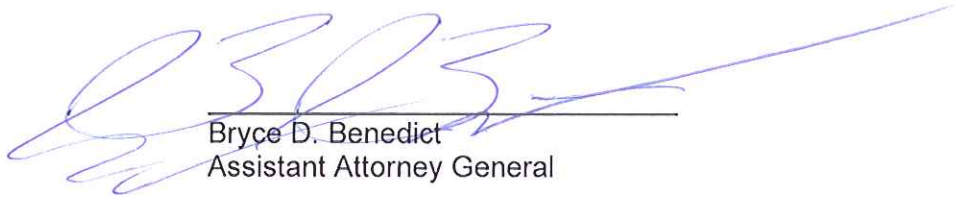


Bryce D. Benedict, S. Ct. no. 11663
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

CERTIFICATE OF SERVICE

On the 20th day of February, 2017, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Kristen Mulholland
8812 West 72 Street
Overland Park KS 66204



Bryce D. Benedict
Assistant Attorney General