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BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

IN THE MATTER OF

JILL M. BAKER

License No. 13-68881-061 and 53-45724-061

DEC 12 2014

KSBN

Case No. 13-760-5

INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE

NOW ON THIS 12th day of December, 2014, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Licensee, Jill M. Baker, 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 as an advanced practice registered nurse and a registered nurse in Kansas through 6/30/2015. 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 130 N. City View, Wichita, Kansas 67235.
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.

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) Licensee was charged with three counts of unlawfully possessing a prescription only drug knowing it to have been obtained pursuant to a prescription order made, altered or signed by a person other than a practitioner or mid-level practitioner in Segwick County, Kansas District Court, Case No. 13CR2122 on or about August 5, 2013.

(b) Licensee was accused of writing prescriptions for her family, herself and an acquaintance under the DEA number of the physician she worked for at Via Christi Clinic in Wichita, Kansas. She wrote the scripts without the physician's knowledge. Licensee admitted to an addiction to opiates.

(c) Licensee was convicted of one misdemeanor count of of unlawfully possessing a prescription only drug knowing it to have been obtained pursuant to a prescription order made, altered or signed by a person other than a practitioner or mid-level practitioner on February 24, 2014.

(d) Licensee enrolled in the Kansas Nurse Assistance Program (KNAP) on or about 4/3/2013. Licensee's KNAP case was unsuccessfully closed on or about December 2, 2014. The licensee reported to KNAP that she no longer intended to participate in KNAP and asked that her KNAP case be closed.

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. Respondent has violated the Kansas Nurse Practice Act as follows:

- (a) K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);
- (b) K.S.A. 65-1120(a)(6), unprofessional conduct, by performing acts beyond the authorized scope of the level of nursing for which the individual is licensed, K.A.R. 60-3-110(3);
- (c) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board;
- (d) K.S.A. 65-1120(a)(2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...;
- (e) 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 the citizens of Kansas.

DISPOSITION

12. Based upon this Initial Agreed Order to Surrender and Revoke (Agreement), the parties agree that Licensee is surrendering licensee's licenses 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 licenses to practice nursing in Kansas are immediately revoked. Licensee shall not practice nursing in the state of Kansas.

14. Licensee shall pay fees in the amount of \$70.00. |

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

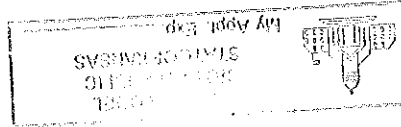
16. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's licenses. The original of this document shall be kept in the Board's agency file. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Initial Agreed Order to Surrender and Revoke is the date shown on the certificate of service.

17. If licensee does seek reinstatement of licensee's licenses, 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.

18. 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.

19. By their signatures, the parties hereby acknowledge this agreement. IN WITNESS WHEREOF, the parties hereto execute this INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE.

IT IS SO ORDERED.



Jill M Baker

Jill M. Baker
Licensee
130 N. City View
Wichita, Kansas 67235

Jill M. Baker must sign before a Notary Public.

Doris Vogel
Sedgwick - KS

Alma A. Heckler

Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

Sandra Sharon

Sandra Sharon, Presiding Officer

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed with 15 days from the date this initial order was served. Failure to timely request a reconsideration by the Kansas State Board of Nursing may preclude further judicial review. The petition for reconsideration shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

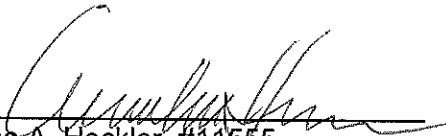
Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for reconsideration is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 14th day of December, 2014, I mailed a copy of this INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE to:

Jill M. Baker
130 N. City View
Wichita, Kansas 67235


Alma A. Heckler, #11555
Assistant Attorney General