

**BEFORE THE KANSAS STATE BOARD OF NURSING**  
Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

**IN THE MATTER OF PATTI MONCKTON**

**License No 13-69646-072**

**Case No. 10-1273-5**

13BN0008

Settled  
8/22/12

FILED

DEC 19 2013

KSBN

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**ADDEMDUM TO CONSENT AGREEMENT AND FINAL ORDER**

NOW ON THIS 16<sup>th</sup> day of December, 2013, the Kansas State Board of Nursing, represented by Assistant Attorney General, Michael R. Fitzgibbons, and the Licensee, hereby enter into this Addendum to the Consent Agreement and Final Order dated August 2012..

**BACKGROUND AND PURPOSE**

1. This licensee stipulates to the following facts:
  - (a) While employed by Kansas Heart Hospital, Wichita, Kansas, it alleged that you diverted controlled substance from various patients under your care and this medication was diverted for your own personal use.
  - (b) That you were impaired by controlled substances while you were on duty.
  - (c) Tested Positive for Morphine on the 25<sup>th</sup> of August, 2010.
  - (d) These incidents allegedly occurred between July and August 2010.
  - (e) That KSBN requested new referral in KNAP on or about October 8<sup>th</sup>, 2010.
  - (f) This Licensee signed with KNAP on March 2<sup>nd</sup>, 2011.
  - (g) You failed to provide a urine drug screen and was in non compliance with KNAP.
  - (h) Licensee entered into a Consent Agreement and was referred to KNAP on the 23<sup>rd</sup> of August, 2012
  - (i) Licensee became non compliant by failing to submit attendance sheets of 12 Step meetings timely on the first of the month and KNAP case was closed on the 7<sup>th</sup> day of August, 2013.

(j) This is a violation of the Consent Agreement entered into by licensee.

(k) Licensee agrees to re enter KNAP and stay compliant.

2 The parties agree that this Addendum is made part of, and incorporated into the Consent Agreement and Final Order dated August 23rd, 2012. The parties further agree that this Addendum and the Consent Agreement and Final Order together, constitute the Consent Agreement and Final Order.

3 Licensee has the right to 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.

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

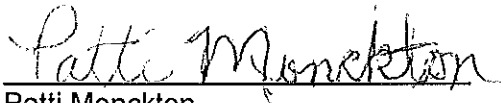
5 Licensee is licensed to practice nursing as a nurse in Kansas through July 2014. The Kansas State Board of Nursing has jurisdiction over the Licensee and the subject matter of this action. Licensee has to this point, adhered to the requirements and conditions of the Consent Agreement and Final Order.

6 Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that licensee will re enter KNAP and stay compliant.

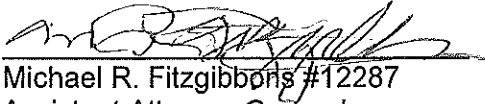
7. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

IN WITNESS WHEREOF, the parties hereto execute this ADDEMDUM TO CONSENT AGREEMENT AND FINAL ORDER.

IT IS SO ORDERED.



Patti Monckton  
Licensee  
4033 N. Lake Rodge Road  
Wichita, Kansas 67205



Michael R. Fitzgibbons #12287  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612



Sandra L. Sharon, Presiding Officer  
Office of Administrative Hearings

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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**  
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AUG 24 2012 *peb*

**IN THE MATTER OF PATTI MONCKTON**

**License No 13-69646-072**

**KSBN**

**Case No. 10-1273-5**

**CONSENT AGREEMENT AND FINAL ORDER**

NOW ON THIS 23<sup>rd</sup> day of August, 2012, THE ABOVE MATTER COMES BEFORE THE Kansas State Borad of Nursing (Board) purusant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposed to find facts and take disciplinary action against the Licensee by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Respondent, Patti Monckton is licensed to practice nursing in Kansas through July 2014. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 4033 N. Lake Ridge Ct, Wichita, KS 67205..
3. This case was submitted to the Investigative Committee on the 11<sup>th</sup> of June, 2012
4. Review of the investigation and other information gathered by the Board revealed the following information upon which this action is based.
5. 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.
6. 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.

7. (a) A petition was filed July 18<sup>th</sup>, 2012 to take disciplinary action against the Respondent's license.

8. The above incidents are violations of the nurse practice act. The Respondent agrees that the board is prepared to prove that respondent has violated the act and stipulates to the allegations alleged in the Petition.

Respondent has violated the Kansas Nurse Practice Act as follows:

9 3. The facts below are common to all counts:

(a) While employed by Kansas Heart Hospital, Wichita, Kansas, it alleged that you diverted controlled substance from various patients under your care and this medication was diverted for your own personal use.

(b) That you were impaired by controlled substances while you were on duty.

(c) Tested Positive for Morphine on the 25<sup>th</sup> of August, 2010.

(d) These incidents allegedly occurred between July and August 2010.

(e) That KSBN requested new referral in KNAP on or about October 8<sup>th</sup>, 2010.

(f) This Licensee signed with KNAP on March 2<sup>nd</sup>, 2011.

(g) You failed to provide a urine drug screen and was in non compliance with KNAP.

10. 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.

#### **CONCLUSIONS OF LAW**

11. 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.

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

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

Count 2: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110 (s)

#### **POLICY STATEMENT**

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

#### **DISPOSITION**

14. 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.

15. Upon the parties entering into this Final order and Consent Agreement and with the respondent having met all statutory requirements for reinstatement of respondent's Kansas Nursing license, the respondent's application for reinstatement of respondent's Kansas Nursing license will be granted.

16. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this Final Order and Consent Agreement 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 Final Order and Consent Agreement remaining in effect until Respondent completes each of the conditions and requirements of this agreement.

17. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the Respondent's license to practice nursing in Kansas is suspended and this suspension is stayed as long as Respondent complies with the terms and conditions of this agreement.

18. 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) Respondent will participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor respondent and for KNAP to report information to the board. Respondent will be deemed to have completed the KNAP program when KNAP issues written notification that respondent has completed the program. Respondent must enroll in the KNAP program within thirty (30) days of entering this agreement. Noncompliance with KNAP is a violation of this agreement.

(b) Respondent must submit to random drug screens as determined or selected by the Board or by KNAP. The costs of the drug screens will be paid by the respondent. Respondent agrees that a Positive Drug Screen is a violation of this agreement.

(c) Respondent shall immediately notify the Legal Division of any use of alcohol, if prohibited by KNAP, or controlled substances, or any violation of this Final Order and Consent Agreement.

(d) The respondent shall immediately inform all employers and prospective employers of this Final Order and Consent Agreement.

(e) Respondent will Submit Reports from the respondent's employer to the attention of the Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 1051, Topeka, Kansas 66612-1230 on the following schedule: to begin on

October 10<sup>th</sup>, 2012 and to continue on the 10<sup>th</sup> of the next quarter until Eight (8) quarterly reports are submitted over a two (2) year period.

(f) Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.

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

(h) 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.

(i) The respondent will complete three (3) hours of Continuing Nurses Education (CNE) on the topic of "Kansas Nurse Practices Act." Respondent is to submit the original certificates for proof of the completion of the hours within 30 days of this agreement.

Respondent may not use these hours to meet the CNE requirements of any renewal period.

(j) Respondent agrees to notify the Legal Division of any changes in address and phone number as well as all employment terminations or employer changes or additions. All such notifications shall be made in writing within fourteen (14) days of such a change.

19. Respondent acknowledges and agrees that Respondent is responsible for the costs related to satisfying the conditions and requirements of this Final Order and Consent Agreement. Respondent further acknowledges and agrees that to provide the Board with false information regarding compliance with this Final Order and Consent Agreement is a violation of this Final Order and Consent Agreement.

20. 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 Final Order and Consent Agreement, but Respondent could not contest the violations listed in this agreement.



21. All parties understand that if an action based on failure to meet the conditions and requirements of this Final Order and Consent Agreement 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.

22. Respondent acknowledges and agrees that if any action based on failure to meet the conditions and requirements of this Final Order and Consent Agreement is filed during the term of this Final Order and Consent Agreement, or within 30 days after the expiration date, the conditions of this Final Order and Consent Agreement shall continue in effect until the Board or a hearing/presiding officer designated pursuant to K.S.A. 77-514 and K.S.A. 77-526, rules on the action.

23. Respondent acknowledges and agrees that upon a finding of Respondent not complying with any of the conditions or requirements of this Final Order and Consent Agreement the Suspension of Respondent's license to practice nursing in the State of Kansas, shall be extended for a period of one year from the date of said finding. Respondent will not be allowed to practice nursing in the state of Kansas during the period of suspension. Respondent acknowledges and agrees that all conditions and requirements of this Final Order and Consent Agreement remain in effect during the period of suspension.

24. Respondent acknowledges and agrees that the Suspension will be extended due to a finding of non-compliance with any of the conditions or requirements of this Final Order and Consent Agreement, the Suspension will not be Stayed until the Respondent has, following the prescribed time period of suspension, provided written verification to the Board that Respondent is in compliance and has remained in compliance during the period of suspension, with all conditions and requirements of this Final Order and Consent Agreement. Upon the Respondent providing said written verification the suspension will be stayed.

25. 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.

26. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. This agreement is a contract entered into by the parties to resolve an investigative case. 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.

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

28. By signing this Final Order and Consent Agreement, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This Final Order and Consent Agreement 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 Final Order and Consent Agreement is the date shown on the certificate of service.

29. 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.

IN WITNESS WHEREOF, the parties hereto execute this FINAL ORDER AND  
CONSENT AGREEMENT.

**IT IS SO ORDERED.**

*Patti Monckton*

Respondent  
Patti Monckton  
4033 N. Lake Ridge Road  
Wichita, KS 67205

*[Signature]*

Michael R. Fitzgibbons #12287  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

must sign before a Notary Public.

State of Kansas  
Sedgwick County  
August 15, 2012  
*Jazmin Martinez*



*[Signature]*  
Sandra Sharon, Presiding Officer

Pursuant to K.S.A. 77-527, either party may request a review of this final 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 final 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 final 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 24<sup>th</sup> day of August, 2012, I mailed a copy of this FINAL ORDER AND CONSENT AGREEMENT to:

Patti Monckton  
4033 N. Lake Ridge Road  
Wichita, KS 67205

*[Signature]*

Michael R. Fitzgibbons, #12287  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612