

Filed

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

JAN 17 2003
Board of Nursing

IN THE MATTER OF
BETH METZGER
LICENSE NO. 13-069746-102

CASE NO. 00-257-8

**AGREEMENT REGARDING
SURRENDER OF LICENSE**

Now on this 17th day of January, 2003, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the licensee, Beth Metzger, hereby enter into this agreement to surrender her license.

NATURE OF THE CASE


1. Licensee is licensed as a nurse through 10/31/04. The board has jurisdiction over the licensee and the subject matter of this action.
2. 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.
3. The Board has requested that a petition be filed to take disciplinary action against the licensee's license.
4. 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).
5. Licensee has the right to these hearings and the right to seek review of the findings from these hearings in accordance with the Kansas administrative procedure act and the Kansas act for judicial review and civil enforcement of agency actions. Licensee is waiving those rights and knowledgeable 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.

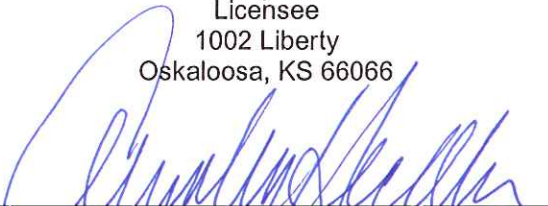
DISPOSITION

6. Licensee is surrendering her license to practice nursing in Kansas.
7. Upon signing this surrender agreement and returning it to the board, licensee is also returning her license card and licensee shall not practice nursing in Kansas.
8. The board does report this surrender agreement to data banks, other entities, and in its newsletter. The original of this document shall be kept in the board's agency file and its contents may be disclosed to the public upon request.
9. If licensee does seek reinstatement of her license, the pending disciplinary case may be re-filed and the licensee will have the opportunity at that time to prove her fitness to practice nursing.

By their signatures, the parties hereby acknowledge this agreement.



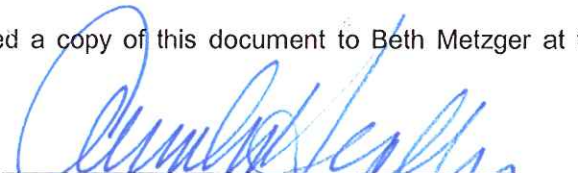
Beth Metzger
Licensee
1002 Liberty
Oskaloosa, KS 66066



Alma A. Heckler
Assistant Attorney General
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

On the 15th day of November, 2002, I mailed a copy of this document to Beth Metzger at the above address.



Alma A. Heckler

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #551-S
Topeka, Kansas 66612-1230

In The Matter Of

Beth Metzger, a.k.a. Henkensiefken

Case no. 00-257-8

License # 13-069746-102

REVISED AMENDED PETITION

COMES NOW the petitioner, the board of nursing, by and through disciplinary counsel, Michelle Davis, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas through 10/31/02.
2. The board may deny, limit, suspend, or revoke a nursing license or may issue a public or private censure if a violation of K.S.A. 65-1120 is established.
3. Upon completion of an investigation, the board's investigative committee referred this matter to disciplinary counsel for further proceedings.
4. Respondent was employed as a nurse at a hospital in Lawrence, Kansas, from 4/3 to 5/5/00. On the evening of 5/4/00, a nursing supervisor responded to a co-worker's complaint that respondent had been coming to work late and with a smell of alcohol on her breath. The supervisor went to the unit at 10:45 pm. Respondent had left a message at the unit that she would be late and she arrived around 10:55. The supervisor noticed the odor of alcohol on respondent's breath. Respondent was escorted to a lab for testing around midnight. Respondent left the lab to get her driver's license and did not return until about one hour later, at which time she tested with a blood alcohol level of .09.

5. According to respondent, she wasn't scheduled on 5/4/00 but was "called-in" to work. She told the evening shift supervisor that she had been to a wedding reception, had two drinks and didn't think she should work. The supervisor told her to come in anyway. Upon her arrival, staff wanted to cover themselves by requesting a Breathalyzer test.

The human resources director said that respondent was scheduled to work and respondent didn't mention anything about a wedding reception before arriving for work.

6. Respondent violated K.S.A. 65-1120(a)(3), professional incompetency, failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, by reporting for work in an impaired condition.

7. Respondent violated K.S.A. 65-1120(a)(4), unable to practice with skill and safety due to current abuse of alcohol, as evidenced by respondent consuming a substantial amount of alcohol prior to reporting for nursing duty.

8. Respondent violated K.S.A. 65-1120(a) (6), unprofessional conduct by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient. By reporting for work in an intoxicated condition, respondent acted inappropriately and violated facility policy.

9. Respondent violated K.S.A. 65-1120(a)(7), repeated violations of the nurse practice act or rules and regulations adopted pursuant to that act.

10. In case no. 96-0025-8, an order effective 8/2/96 found that respondent had violated the nurse practice act through unprofessional conduct by diverting morphine and Percocet from her employer and by falsifying, inaccurately recording or altering records to cover up the morphine diversion.

WHEREFORE, petitioner requests that respondent be required to enter the impaired provider program and/or for disciplinary action against respondent's license and for \$70 costs to be assessed to respondent.

Respectfully submitted,

Carla J. Stovall
Attorney General

By: Michelle Davis
Michelle A. Davis #14116
Assistant Attorney General
Disciplinary counsel for the board
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
785-296-8400

CERTIFICATE OF SERVICE

I caused a copy of this revised amended petition to be mailed, first-class postage-prepaid, this 28th day of November, 2000, to Steve Schwarm, respondent's attorney, at 515 S. Kansas Ave., Topeka, Kansas 66603-3999.

Michelle Davis
Michelle A. Davis