

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) Case No: 97-0340-5
)
)
RICKY KNIGHT)
LICENSE NO. 13-072108-041)

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, Rick Knight, and respectfully request the Board, or its designee, 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 is aware that ^{he} ~~she~~ may be represented by counsel in this matter. Respondent is aware he has certain rights in this matter, which he is choosing to waive. Such rights include: the right to counsel; the right to formal notice of the violations alleging his violation(s) of the nurse practice act; the right to a formal

hearing; the right to see and hear the evidence against him and cross-examine witnesses against him; the right to present witnesses and evidence on his behalf; and the right to seek reconsideration, review or appeal of the findings from a hearing in this matter.

Respondent knowingly and intelligently waives, or gives up, his rights as listed herein and wishes to enter into an agreement to resolve this matter instead of proceeding to a hearing. The parties agree as follows:

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

2. Respondent 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 would have the opportunity to cross-examine Petitioner's witnesses and present witnesses and evidence on his own behalf. The matter would be decided on the evidence presented and a decision would include findings of fact and conclusions of law. Respondent would also have 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

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 to the violation alleged in the Petition. Respondent understands that by admitting to the violation alleged in the Petition, he will be admitting to a violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., for which disciplinary action is being taken against his license. Respondent further understands that the disciplinary action will be reported to the National Council of State Boards of Nursing for their disciplinary data bank.

4. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license shall be **suspended** through its current licensure period, April 30, 1999. The suspension shall be stayed, allowing the Respondent to continue to practice under certain conditions and limitations, as follows:

(a) Respondent shall re-enroll and successfully participate in, and comply with, the Kansas Nurse Assistance Program (KNAP). Respondent shall contact KNAP at the Heart of America Professional Network, Inc., at 6005 Martway, Suite 100, Mission, Kansas 66202, or (913) 236-7575, within fourteen (14) days of service of the order on ~~her~~ ^{him too}.

(b) The Respondent shall cause his employer(s) to provide quarterly reports for a period of one year. The reports shall be prepared by Respondent's immediate nursing supervisor or by an R.N. who evaluates his performance on a regular basis.

Such reports shall include information regarding attendance, performance and documentation. The quarterly reports shall be due; April 20, 1998; July 20, 1998; October 20, 1998; and January 20, 1999. If Respondent is not employed as a nurse for a period of time not included in this schedule, the reports shall be submitted as soon as possible so that four consecutive quarterly reports are received by this Board. Respondent's employer may submit copies of employee evaluations conducted during a quarter in lieu of a report for that quarter. These reports or evaluations shall be sent by the employer or person conducting the evaluation to the attention of the Board's Practice Specialist, Kansas State Board of Nursing, Rm. 551-S LSOB, 900 S.W. Jackson, Topeka, Kansas 66612-1230.

(c) Respondent agrees to sign the appropriate release(s) necessary so that any all evaluations connected with KNAP or his employment may be forwarded to the Kansas State Board of Nursing to the attention of the Board's Practice Specialist.

(d) Respondent agrees to give notification to the Board's Practice Specialist of the name of his employer and immediate supervisor within fourteen (14) calendar days from the signing of this Agreement and/or within fourteen (14) calendar days of a change of employment or change in immediate supervisor.

(e) Respondent agrees to give notification to the Board's Practice Specialist of all name, address, and/or phone number changes, as well as all employment terminations or employer

changes or additions within fourteen (14) calendar days of such a change.

(f) Respondent shall maintain any counselling/therapy he is currently undergoing until released by the counsellor or therapist. The counsellor/therapist shall submit reports to the Board's Practice Specialist on the same schedule as the quarterly reports identified in paragraph (a) above. Further, Respondent shall sign any releases necessary for the release of such reports to the Board's Practice Specialist.

(g) Pursuant to K.S.A. 74-1110, Respondent is hereby assessed costs of these proceedings in the amount of thirty-five (\$35.00) dollars to be paid by money order or cashier's check payable to the Board of Nursing and delivered to the Board Office within sixty (60) days of service of this order on the parties.

(h) Respondent shall return his current license card to the Board. He shall be issued a new license card, which when issued, shall have an "S" placed in the status code portion of the license card to indicate that action has been taken against ^{his} ~~her~~ license. Renewal of his license and the terms of such renewal may be taken up again upon receipt of his next application.

5. Respondent is aware that **any** violations of his KNAP agreement or any other violations of this agreement/order will immediately lead to the filing of a motion to lift the stay and impose the suspension of his license.

6. By signing this Consent Agreement and Final Order, Respondent acknowledges that he has read and understands the entire document, and agrees to be bound by this document.

7. 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.

8. Respondent acknowledges he is aware of the factual and documentary information relating to the counts stated in the Petition.

10. Respondent acknowledges and agrees that the Petition in this matter will be filed simultaneously with the Consent Agreement and Final Order.

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 13-072108-041, which expires April 30, 1999.

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

3. The Board's investigative committee found there were reasonable grounds to believe Respondent violated the Kansas Nurse Practice Act and referred this matter for disciplinary action.

4. Respondent has received a copy of the Petition, which was mailed to him at ~~her~~^{his TCB} last address known to the Board, and waives formal service of notice in this matter.

5. Respondent is not represented by counsel in this matter. Respondent has been advised of, and is aware of, his various rights as identified in this document, including her right to counsel.

6. During the summer, 1996, Respondent was diverting an unknown quantity of demerol at work. Respondent used the demerol, without a prescription, which caused seizures for the Respondent.

7. Respondent entered the Kansas Nurse Assistance Program (KNAP) in August, 1996 following the seizure. Respondent was compliant for a period of time, but later, during May, 1997 and in the Fall of 1997, he relapsed on alcohol and also tested positive for morphine. Respondent denied the use of morphine, but did not challenge the testing, nor did he state any reason for a positive test for morphine.

8. Respondent's alcohol use and attempts to get himself substance free caused a variety of problems in his personal and professional life. Further, Respondent dropped out of after care and failed to comply with KNAP.

9. 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.

10. 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.

11. Respondent is aware that the Petition in this matter is being simultaneously filed with the Consent Agreement and Final Order.

12. Respondent is aware that this is a disciplinary action and will be reported to the National Council of State Boards of Nursing data bank.

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 not represented by counsel, but has waived his rights in this matter as previously identified herein. Based on the knowledge of his rights, Respondent has knowingly, intelligently, and voluntarily waived ^{his} ~~her~~ rights and entered into this Consent Agreement and Final Order.

3. Respondent received a copy of the Petition in this matter prior to entering into this Consent Agreement and Final Order, and has waived formal service and notice in this matter.

4. Respondent ^{TEB} ~~has~~ admits the conduct as found in the Findings of Fact.

5. Respondent has violated the Kansas Nurse Practice Act for which disciplinary action may be taken.

6. Respondent's conduct in diverting the unknown quantity of demerol constitutes unprofessional conduct, contrary to K.S.A. 65-

1120(a)(6), as defined by K.A.R. 60-3-110(i), diverting drugs or supplies from a patient or agency.

7. Respondent's history of drug and alcohol use, especially his use and relapse during 1997, renders Respondent unable to practice with safety and skill due to current abuse of alcohol and/or drugs, contrary to K.S.A. 65-1120(a)(4).

8. 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 licensed practical nurse (L.P.N.) in the State of Kansas:

Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license shall be **suspended** through its current licensure period, April 30, 1999. The suspension shall be stayed, allowing the Respondent to continue to practice under certain conditions and limitations, as follows:

(a) Respondent shall re-enroll and successfully participate in, and comply with, the Kansas Nurse Assistance Program (KNAP). Respondent shall contact KNAP at the Heart of America Professional Network, Inc., at 6005 Martway, Suite 100, Mission, Kansas 66202, or (913) 236-7575, within fourteen (14) days of service of the order on ~~her~~^{him} ^{TFB}.

(b) The Respondent shall cause his employer(s) to provide quarterly reports for a period of one year. The reports shall be prepared by Respondent's immediate nursing supervisor or by an R.N. who evaluates his performance on a regular basis. Such reports shall include information regarding attendance, performance and documentation. The quarterly reports shall be due; April 20, 1998; July 20, 1998; October 20, 1998; and January 20, 1999. If Respondent is not employed as a nurse for a period of time not included in this schedule, the reports shall be submitted as soon as possible so that four consecutive quarterly reports are received by this Board. Respondent's employer may submit copies of employee evaluations conducted during a quarter in lieu of a report for that quarter. These reports or evaluations shall be sent by the employer or person conducting the evaluation to the attention of the Board's Practice Specialist, Kansas State Board of Nursing, Rm. 551-S LSOB, 900 S.W. Jackson, Topeka, Kansas 66612-1230.

(c) Respondent agrees to sign the appropriate release(s) necessary so that any all evaluations connected with KNAP or his employment may be forwarded to the Kansas State Board of Nursing to the attention of the Board's Practice Specialist.

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of this Agreement and/or within fourteen (14) calendar days of a change of employment or change in immediate supervisor.

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(g) Pursuant to K.S.A. 74-1110, Respondent is hereby assessed costs of these proceedings in the amount of thirty-five (\$35.00) dollars to be paid by money order or cashier's check payable to the Board of Nursing and delivered to the Board Office within sixty (60) days of service of this order on the parties.

(h) Respondent shall return his current license card to the Board. He shall be issued a new license card, which when issued, shall have an "S" placed in the status code portion of the license card to indicate that action has been taken against her license. Renewal of his license and the terms of

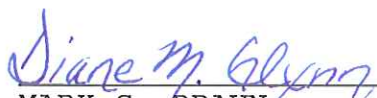
such renewal may be taken up again upon receipt of his next application.

IT SO ORDERED

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


RICKY KNIGHT
Respondent

4/30/98
DATE

 *Special Assistant Attorney General*
MARK S. BRAUN
Board Disciplinary Counsel

5-13-98
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 14th day of May, 1998


BOARD DESIGNEE

CERTIFICATE OF SERVICE

This is to certify that on the 15th day of May, 1998, I deposited a true and correct copy of the Consent Agreement and Final Order in the United States Mail, first class postage prepaid to the following:

Ricky Knight
c/o Janice Knight
1714 Kentucky Avenue
Joplin, Missouri 64804

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
Practice Specialist