

Filed
OCT 22 2003
Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF
Kathlene Jennings
LICENSE NO. 13-73496-051

CASE 03-160-7, 02-023-0

CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER

Now on this 21st day of October, 2003, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the licensee, Kathlene Jennings, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Respondent is licensed to practice nursing in Kansas as an R.N. through 5/31//2005. 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 filed a petition to take disciplinary action against the licensee's license.
4. Licensee has the right to a hearing 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.

AGREED FINDINGS OF FACT

5. In KSBN case 02-023-0, respondent had a settlement agreement with the Missouri Board of Nursing that was completed on 9/9/01. She had stolen a hospital patient visitor's purse to get money for the purchase of street drugs. She admittedly used crack cocaine and cocaine while employed at the

hospital. She has a court conviction for writing bad checks 3/21/00. Kansas board case 02-023-0 resulted in granting a license in Kansas if she would agree to enroll in KNAP. She enrolled in KNAP in May 2002 and her license was reinstated.

6. Respondent began to have low creatinine on her KNAP urine drug screens. She had low creatinines in August, October, and December 2002. This means either there was excessive fluid intake prior to the urine test or the sample was diluted post collection. In February 2003 she reported to KNAP she had relapsed and used cocaine. She entered the Substance Abuse Center of Eastern Kansas (SACEK) Intermediate Treatment Program 2/19/03. On 3/17/03 KNA notified the board that they had suspended her from nursing practice on 2/5/03. In April 2003 she entered the Friendship Halfway House.

7. KNAP was notified 9/5/03 that the respondent had left the halfway house and she could not be located. KNAP sent a letter on 9/10/03 (attached and incorporated herein) that respondent was unsuccessfully discharged from treatment, and KNAP could not vouch for her safety to practice nursing and recommended emergency disciplinary action. KNAP sent a second letter (attached and incorporated herein) on 9/18/03 stating they were closing respondent's case for noncompliance due to failure to contact KNAP after relapse of 9/5/03, failure to complete treatment, and failure to provide KNAP with an address and contact information.

8. A petition was filed and an emergency hearing was set for October 22, 2003 at 1:30 p.m.

9. On 10/9/03 respondent contacted Betty Wright, disciplinary counsel to request that she be allowed to surrender her license. Respondent admits that at this time she is unsafe to practice nursing. Respondent was advised that she can reinstate her license once she can establish her safety to practice nursing, and would need to agree to be monitored by KNAP at that time.

Conclusions of Law

10. 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(b) and K.S.A.77-501 *et seq.* and to judicial review.

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(a) is established.

12. Respondent has violated:

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

K.A.R. 60-3-110(r) failing to comply with any disciplinary order of the Board.

K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the Board.

POLICY STATEMENT

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

DISPOSITION

14. Licensee is surrendering her license to practice nursing in Kansas.

15. Upon signing this agreement and returning it to the Board, licensee shall **return her license card** with the agreement. **Licensee shall not practice nursing in Kansas.**

16. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on her license. 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.


17. If licensee does seek reinstatement of her license, the agreed facts are admitted, she has waived her right to a hearing on the facts in this matter, however to receive a reinstatement of her license the licensee will have the opportunity at that time to prove her fitness to practice nursing.

18. One of the requirements for a future reinstatement will be an evaluation by KNAP, and a commitment to abide by any requirements of KNAP.



19. By their signatures, the parties hereby acknowledge this agreement.

WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER.

IT IS SO ORDERED.



Terry Beck, Hearing Officer

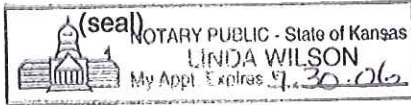



Kathlene Jennings

Licensee
6616 W. 101 Terrace
Overland Park, KS 66212-1716

State of Kansas)
County of Johnson) SS

Subscribed to before me by Kathlene Jennings on this 20 day of October, 2003.



Linda Wilson
Signature of Notary Public

Prepared by:

Betty Wright
Betty Wright
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

On the 22 day of October, 2003, I mailed a copy of this document to:

Kathlene Jennings
6616 W. 101 Terrace
Overland Park, KS 66212-1716

Betty Wright
Betty Wright
Assistant Attorney General