

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

NOV 25 2008

**IN THE MATTER OF
DEBBIE K. TAYLOR
License No. 13-073895-032**

KSBN

**Case No. 04-395-5, 07-952-5, 08-384-4
OAH No. 09BN0030**

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 1st day of December, 2008, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Debbie K. Taylor, hereby enter into this agreement and proffer evidence and the Presiding officer adopts those recommendations and makes the following findings of fact and orders:

AGREED FINDINGS OF FACT

1. Respondent is licensed to practice nursing in Kansas through 3/31/2010. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 1376 Applewood, Newton, KS 67114.
3. The Respondent understands that pursuant to K.S.A. 77-515, respondent may be represented at respondent's expense by, an attorney during these proceedings.
4. 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.
5. 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.

6. (a) On or about 11/15/1993, Respondent was convicted of Disorderly Conduct, a misdemeanor, in the Municipal Court of El Dorado, Kansas, case number A87653.

(b) On or about 2/28/2002, the KSBN received from Respondent a renewal application. On that renewal application was a question which asked, "Have you ever been convicted of a misdemeanor?" Respondent answered "No" to the question.

(c) On or about 3/11/2004, the KSBN received from Respondent a renewal application. On that renewal application was a question which asked, "Have you ever been convicted of a misdemeanor?" Respondent answered "No" to the question.

(d) On or about 3/30/2006, the KSBN received from Respondent a renewal application. On that renewal application was a question which asked, "Have you ever been convicted of a misdemeanor or felony?" Respondent answered "No" to the question.

(e) On or about 2/28/2007, Respondent entered a Diversion Agreement with the Kansas State Board of Nursing to resolve case number 04-395-5. In KSBN case number 04-395-5, Respondent agreed to the following facts as part of the Diversion Agreement. "During March of 2004 Licensee was at Wesley Medical Center, Wichita, Kansas, as a Nurse. Wesley staff reviewed that administration of narcotics by the Licensee on or about March of 2004. The review showed that Licensee administered seventy-seven (77) narcotics in seventeen (17) days. The review showed that the next highest number of administered narcotics by a nurse was twenty-eight (28) in ten (10) days during approximately the same time period. Documentation of the administration of the narcotics by Licensee revealed that several were not administered per Wesley policies. Licensee has a history of substance abuse."

(f) In the above mentioned Diversion Agreement, Respondent agreed to participate in and complete the reasonable recommendations and requirements of the [REDACTED]

(g) In the above mentioned Diversion Agreement, Respondent agreed that should the Respondent be found to have violated the Diversion Agreement the Respondent could not

contest the following established violations: (1) K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol; (2) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

(h) On or about 6/18/2007, Respondent entered the [REDACTED] monitoring recovery program pursuant to the Diversion Agreement.

(i) On or about 6/18/2007, Respondent tested positive for alcohol, opiates, and amphetamines.

(j) On or about 10/16/2007, [REDACTED] P closed Respondent's [REDACTED] case due to noncompliance. [REDACTED] P based the closure on Respondent's failure to submit to sign with Compass Vision for random U [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(k) On or about 1/24/2008, Respondent filled a prescription for Buspirone, 10mg, 93 tablets. The prescription was for a 31 day supply of the medication. Buspirone is a drug designed for anxiety.

(l) On or about 2/12/2008, Respondent filled a prescription for Buspirone, 10mg, 93 tablets. The prescription was for a 31 day supply of the medication.

(m) On or about 2/14/2008, Respondent was convicted of Falsely Reporting an Offense, a misdemeanor, in the Municipal Court of Park City, Kansas, case number 07P1451.

(n) On or about 2/25/2008, Respondent filled a prescription for Buspirone, 10mg, 93 tablets. The prescription was for a 31 day supply of the medication.

(o) On or about 3/5/2008, Respondent filled a prescription for Buspirone, 10mg, 93 tablets. The prescription was for a 31 day supply of the medication.

(p) On or about 3/14/2008, Respondent filled a prescription for Buspirone, 10mg, 93 tablets. The prescription was for a 31 day supply of the medication.

(q) On or about 3/14/2008, the KSBN received from Respondent a renewal application. On that renewal application was a question which asked, "Have you ever been convicted of a misdemeanor?" Respondent answered "No" to the question.

(r) On or about 3/26/2008, Respondent filled a prescription for Buspirone, 10mg, 93 tablets. The prescription was for a 31 day supply of the medication.

(s) On or about 3/31/2008, Respondent filled a prescription for Buspirone, 10mg, 93 tablets. The prescription was for a 31 day supply of the medication.

(t) On or about 4/9/2008, Respondent filled a prescription for Buspirone, 10mg, 93 tablets. The prescription was for a 31 day supply of the medication.

(u) On or about 4/14/2008, Respondent filled a prescription for Buspirone, 10mg, 93 tablets. The prescription was for a 31 day supply of the medication.

(v) On or about 4/22/2008, Respondent filled a prescription for Buspirone, 10mg, 90 tablets. The prescription was for a 30 day supply of the medication.

(w) On or about 4/28/2008, KSBN Investigator contacted Respondent regarding the prescriptions filled for Buspirone. Respondent advised she filled the prescriptions close together because she was stock piling the medication. Respondent advised she was taking 6 to 7 Buspirone tablets per day. Respondent advised she sometimes took two Buspirone tablets to help her sleep. Respondent advised the Buspirone was prescribed to be taken 1 pill three times per day.

(x) On or about 5/22/2008, Respondent filled a prescription for Buspirone, 10mg, 90 tablets. The prescription was for a 30 day supply of the medication.

7. The above incidents are violations of the nurse practice act. The Respondent agrees that the board is prepared to prove that respondent has violated: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol; K.S.A. 65-

1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board; K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

8. 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

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 is established.

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

Count 1: 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 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.

Count 4: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

POLICY STATEMENT

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

DISPOSITION

12. 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.

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

14. **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 immediately suspended. The suspension will be stayed as long as the requirements and conditions of this agreement are met.**

15. **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 immediately limited.** The limitations placed on the license and described below will remain in place until the requirements and conditions of this agreement are met or until the requirements and conditions of this agreement call for the modification of the limitations.

16. 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 shall return his or her current license card to the Board with this Consent Agreement. Respondent shall receive a license card which shall be issued with an "S" placed in the status code portion of the license card to indicate that the license is suspended with a Stay. The card will have an "L" indicating the limitations on the practice.**

(b) **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. Noncompliance with KNAP is a violation of this agreement.

(c) **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.

(d) **Licensee shall not seek or accept employment with a Home Health Care Service or Agency during the term of this agreement.**

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

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

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

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

(i) 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.

(l) **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.**

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

18. 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 Consent Agreement, but Respondent could not contest the violations listed in this agreement.

19. All parties understand that if an action based on failure to meet the conditions and requirements of this 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.

20. Respondent acknowledges and agrees that upon a first finding of Respondent not complying with the conditions or requirements of this Consent Agreement, the Stay of

Suspension of Respondent's license to practice nursing in the State of Kansas, shall be lifted for a period of six months from the date of said finding. Respondent will not be allowed to practice nursing in the state of Kansas during the period of suspension.

21. Respondent acknowledges and agrees that upon a second or subsequent finding of Respondent not complying with the conditions or requirements of this Consent Agreement the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas, shall be lifted 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.

22. Respondent acknowledges and agrees that upon the Stay of Suspension being lifted due to a finding of non-compliance with this Consent Agreement, the Suspension will not again be Stayed until the Respondent has, following the prescribed time period of suspension, provided written verification to the Board that Respondent is in compliance with all conditions and requirements of this Consent Agreement. Upon the Respondent providing said written verification the suspension will again be stayed.

23. 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.

24. 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 the Amended Petition filed on October 14, 2008, in the above captioned cases. 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.

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

26. By signing this Consent Agreement and Final Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement and Final Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties.

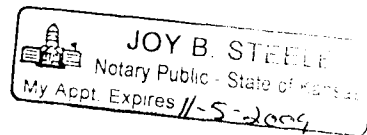
27. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement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

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

IT IS SO ORDERED.

Debbie K. Taylor
Respondent
1376 Applewood
Newton, KS 67114

Debbie K. Taylor must sign before a Notary Public.



Mark A. Knight, #12183
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 3rd day of December, 2008, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Debbie K. Taylor
1376 Applewood
Newton, KS 67114

Mark A. Knight, #12183
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612