

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
JULIE K. REES  
License No. 13-075627-072  
ARNP License No. 53-054958-072  
RNA License No. 43-054958-072**

**FILED**

**JAN 29 2010**

**KSBN**

**Case No. 09-101-6, 06-910-5  
OAH No. 08BN0108**


**ORDER TO STAY SUSPENSION**

Now on this 29<sup>th</sup> day of January, 2010, the petitioner, the Board, through counsel, Assistant Attorney General Brenda J. Clary, moves to Stay the suspension of Respondent's license to practice nursing in the state of Kansas. Respondent's license to practice nursing was suspended following a finding that Respondent failed to meet conditions and requirements of the Consent Agreement and Final Order dated February 28, 2007 entered in the above captioned case. Petitioner has received documentation showing that the Respondent has complied with the conditions and requirements of the Consent Agreement and Final Order and is again, pursuant to the Consent Agreement, entitled to a Stay of the Suspension.

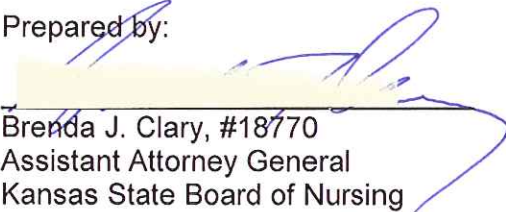
The Presiding Officer orders that the Suspension of Respondent's license to practice nursing in the state of Kansas is Stayed.

The Presiding Officer orders that all conditions and requirements of the Consent Agreement and Final Order entered in the above captioned matter and dated February 28, 2007, remain in effect.

**IT IS SO ORDERED.**

  
Sandra L. Sharon, Presiding Officer

Prepared by:

  
Brenda J. Clary, #18770  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

**NOTICE OF RIGHT TO APPEAL**

The procedures available and time limitations for seeking review or other relief as follows:  
Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head. The request should be directed to Mary Blubaugh, Executive Director, Kansas State Board of Nursing, Landon State Office Bldg., Suite 1051, 900 SW. Jackson, Topeka, KS 66612-1230.

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 1<sup>st</sup> day of February 2010, a true and correct copy of the foregoing ORDER TO STAY SUSPENSION was placed in the U.S. Mail, postage prepaid, addressed to:

Julie K. Rees  
612 Woodstone Dr  
Andover, KS 67002

  
  
Brenda J. Clary  
Assistant Attorney General

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License No. 13-075627-072  
ARNP License No. 53-054958-072  
RNA License No. 43-054958-072

Case No. 09-101-6, 06-910-5

**SUMMARY ORDER**

Now this 27<sup>th</sup> day of June, 2009, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the nursing licenses of Julie K. Rees, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. (a) Licensee is licensed to practice nursing in the state of Kansas as a Registered Nurse, Advanced Registered Nurse Practitioner, and Registered Nurse Anesthetist, through 7/31/2010. The Board has jurisdiction over the Licensee and the subject matter of this action.
- (b) Licensee's address of record is 612 Woodstone Dr, Andover, KS 67002.
- (c) On or about 2/28/2008, Licensee entered a Consent Agreement and Final Order (Consent Agreement), with the Board to resolve case number 06-910-5. The effective date of the Consent Agreement was 2/28/2008. The Consent Agreement and Final Order and Certificate of Service are incorrectly dated 2/28/2007. The Consent Agreement remains in effect until such time as the Licensee completes all conditions and requirements of the Consent Agreement. Licensee has not completed all the conditions and requirements of the Consent Agreement.
- (d) Pursuant to the 2/28/2008, Consent Agreement, Licensee's license to practice nursing in Kansas was suspended. The suspension was stayed so long as Licensee continued to meet the conditions and requirements of the Consent Agreement.
- (e) Conditions of the Consent Agreement included a condition that the Licensee participate in and complete the recommendations and requirements of the [REDACTED]
- (f) Conditions of the Consent Agreement included a condition that the Licensee not violate the Kansas Nurse Practice Act during the duration of the Consent Agreement and Final Order.
- (g) On or about 8/21/2008, Licensee was working as a nurse at Ridgewood Surgery & Endoscopy Center, Wichita, KS. During a surgical procedure Licensee's co-workers observed an IV extension and needle attached to Licensee's arm. Licensee was sent home.

(h) On or about 5/11/2009, KSBN Investigator K. Chalkley spoke with Licensee about the 8/21/2008, incident at Ridgewood. Licensee advised she had an IV catheter in her wrist while at work. Licensee stated she used the IV to ingest Propofol while in the bathroom of the facility. Propofol is a narcotic drug.

(i) Licensee advised that during July of 2008, Licensee used IV Fentanyl, a narcotic drug, once in the bathroom of Ridgewood and that during the summer of 2008, she used Propofol on four different days in a Ridgewood facility bathroom. Licensee reported that on 7/4/2008, she ingested narcotic drugs Lortab and Valium belonging to her brother. Licensee stated she also consumed alcoholic beverages during the summer of 2008.

(j) Ingesting the narcotics and alcohol are behavior's prohibited by Licensee's [REDACTED] as well as violations of the 2/28/2008 Consent Agreement and Final Order and the Kansas Nurse Practice Act.

(g) Pursuant to the Consent Agreement should the Stay of Suspension be lifted due to a finding of non-compliance with the Consent Agreement, the Suspension will not again be Stayed until the Licensee has, following the prescribed time period of suspension, provided written verification to the Board that Licensee is in compliance with all conditions and requirements of the Consent Agreement.

#### CONCLUSIONS OF LAW

2. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(a) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board, by using the narcotic drugs Lortab and Valium on 7/4/2008.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board, by using the narcotic drug Propofol on 8/21/2008.

(c) 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) by using drugs and or alcohol prohibited by KNAP.

(d) K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(1), one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board, by appearing for a surgical procedure after having ingested a narcotic drug.

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.

4. Licensee's conduct described herein violates the Consent Agreement in case number 06-910-5.

5. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.

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

**IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**

**1. The Consent Agreement and Final Order in case number 06-910-5 was executed in 2008, became effective 2/28/2008, and remains in effect.**

**2. The facts listed above support findings of violations of the Consent Agreement and Final Order in 06-910-5 and the Kansas Nurse Practice Act.**


**1. The Stay of Suspension is lifted from Licensee's license due to a finding of non-compliance with Consent Agreement and Final Order in case number 06-910-5.**

**2. Licensee's licenses to practice nursing in the state of Kansas are suspended for a period of six (6) months beginning on the effective date of this summary order, and the Suspension will not again be Stayed until the Licensee has, following the prescribed time period of suspension, provided written verification to the Board that Licensee is in compliance with all conditions and requirements of the Consent Agreement.**

**3. Licensee shall not practice nursing in the state of Kansas until the suspension has again been stayed.**

Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. **THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER.** If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing.

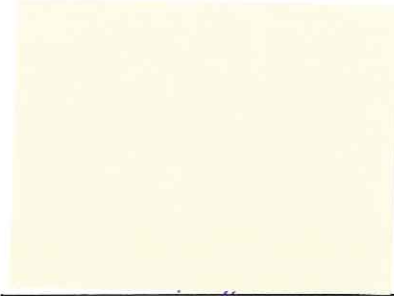
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

 *PN*  
\_\_\_\_\_  
Janet Jacobs, LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 30<sup>th</sup> day of June, 2009, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Julie K. Rees  
612 Woodstone Dr  
Andover, KS 67002



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Mark A. Knight, #12183  
Assistant Attorney General

08BN 0108 KSBN

**FILED**

**FEB 28 2008**

**KSBN**

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
JULIE K. REES  
RN License No. 13-075627-072  
ARNP License No. 53-054958-072  
RNA License No. 43-054958-072**

**Case No. 06-910-5**

**CONSENT AGREEMENT AND FINAL ORDER**

NOW ON THIS 28<sup>th</sup> day of February, 2007, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Julie K. Rees, hereby enter into this agreement and proffer evidence and the hearing 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 7/31/2008. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 9820 E 19<sup>th</sup> Street North, Wichita, KS 67230.
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) Respondent has a history of substance abuse and participation in treatment for substance abuse.

(b) On or about 4/25/2006, [REDACTED]

(c) On or about 8/20/2006, [REDACTED]

(d) On or about 8/27/2006, Respondent entered a three year contract with the [REDACTED]  
[REDACTED]

(e) During October of 2006, Respondent was employed as a Registered Nurse Anesthetist at the Wichita Clinic Day Surgery Center, Wichita, Kansas. On or about 10/11/2006, Respondent was found to have diverted the narcotic drug, Propofol, for her own use from the Wichita Clinic Day Surgery Center. Respondent injected the Propofol into her own body while on duty at the Wichita Clinic Day Surgery Center.

(f) On or about 10/13/2006 [REDACTED] removed requested Respondent to remove herself from the practice of nursing pending a [REDACTED]  
[REDACTED]

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(n), diverting drugs, supplies, or property of any patient or agency; 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.

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(n), diverting drugs, supplies, or property of any patient or agency.

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.

### **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 Registered Nurse license, Advanced Registered Nurse Practitioner license, and Registered Nurse Anesthetist 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 licenses, reinstatement of Respondent's nursing licenses 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 Registered Nurse license, Advanced Registered Nurse Practitioner license, and Registered Nurse Anesthetist license are immediately suspended. The suspensions 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 Registered Nurse license, Advanced Registered Nurse Practitioner license, and Registered Nurse Anesthetist license are immediately limited. The limitations placed on the licenses 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 licenses 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 cards to the Board with this Consent Agreement.** Respondent shall receive a license cards which shall be issued with an "S" placed in the status code portion of the license cards to indicate that the licenses are suspended with a Stay. **The cards 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) **Respondent shall not practice without onsite supervision by a qualified nurse, during the term of this consent agreement and final order.** The parties agree that this provision prohibits the Respondent from practicing nursing unless the supervising nurse is present within the same facility as the Respondent and the supervising nurse is available for periodic inspection of Respondent's nursing tasks.

(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.

(h) **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 an investigative case. The original of this agreement shall be placed in the Agency Record and is a public record.

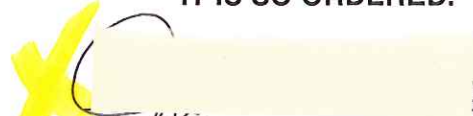
25. After successful completion of all of the conditions and requirements of this Consent Agreement by the respondent, the Consent Agreement will be satisfied and the case will be inactivated.

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.



Julie K. Rees  
Respondent  
9820 E 19<sup>th</sup> Street North  
Wichita, KS 67230

Julie K. Rees must sign before a Notary Public.

State of Kansas, County of Sedgwick ss.  
SUBSCRIBED AND SWORN TO before, me by Julie K. Rees

on this 4 day of Jan, <sup>2008</sup> 2007.

Contessa Richter My Commission Expires 11-03-2010  
Signature of Notary Public (Notary Public Seal)





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

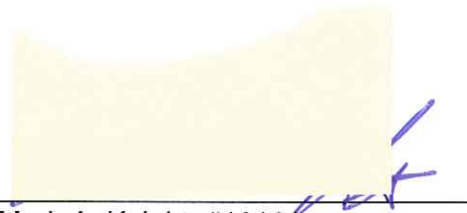


Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 28<sup>th</sup> day of February, 2007, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Julie K. Rees  
9820 E 19<sup>th</sup> Street North  
Wichita, KS 67230



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