

10BNO546

11/19

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

NOV 21 2013

IN THE MATTER OF
AMY S. KELLEY
License No. 13-75635-032

KSBN

19 NOV '13 AM 9:29

FILED OAH

Case No. 03-456-5, 05-093-5, 05-691-5

AGREED ORDER TO LIFT STAY OF SUSPENSION AND SUSPEND LICENSE FOR SIX MONTHS

This Agreed Order is entered into on this ^{21st} ~~11th~~ day of November, 2013, by the Kansas State Board of Nursing, by and through Disciplinary Counsel, Alma A. Heckler, the Respondent, Amy S. Kelley, by and through her attorney, Kevin M. Fowler, and as approved by the Administrative Hearing Officer. Respondent fully understands and agrees to the following:

1. Respondent is licensed to practice nursing in Kansas through 3/31/2014. 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 2136 E. Brookstone, Derby, Kansas 67037.
3. 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.
4. Respondent has the right to these hearings and the right to seek review of the findings from the hearings 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 knowingly and voluntarily entering into this agreement instead of proceeding to these

hearings. This agreed order will conclude Board action pending at this time against Respondent's license.

5. Respondent understands that pursuant to K.S.A. 77-515, Respondent is represented at Respondent's expense by, an attorney during these proceedings.

6. (a) Respondent entered into a Consent Agreement and Final Order on March 9, 2010 in the above captioned matters, with the Kansas Board of Nursing. The Board filed a Motion to Show Cause on June 12, 2013 for the following reasons:

1. Respondent is non-compliant with the Kansas Nurse Assistance Program (KNAP). Respondent's KNAP case was closed unsuccessfully on or about June 7, 2013;
2. Respondent failed to timely report to the Kansas Board of Nursing she had been disciplined by another state agency, Kansas Behavioral Sciences Regulatory Board on or about December 17, 2012, Case No. 13-AC-0010. It is violation of the Kansas Nurse Practice Act; K.S.A. 65-1120(a)(8). Respondent agreed not to violate the Kansas Nurse Practice Act during the duration of the Consent Agreement, Section 24(i).

(b) Respondent entered a Consent Agreement and Final Order (Consent Agreement) on or about March 9, 2010, with the Kansas State Board of Nursing to resolve case number 03-456-5, 05-093-5 and 05-691-5. The Consent Agreement remains in effect until such time as the Respondent completes all conditions and requirements of the Consent Agreement. Respondent has not completed all conditions and requirements of the Consent Agreement. The Respondent agreed to enroll in and successfully complete KNAP [Section 24(b)]. Respondent failed to report her discipline by another state agency which is a violation of the Kansas Nurse Practice Act; K.S.A. 65-1120(a)(8). Respondent agreed not to violate the Kansas Nurse Practice Act during the duration of the Consent Agreement, Section 24(i).

(c) The March 9, 2010 Consent Agreement and Final Order provide upon a first finding of non compliance with the conditions or requirements of the Consent Agreement and

Final Order, 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.

(d) The March 9, 2010 Consent Agreement and Final Order provides upon the Stay of Suspension being lifted due to a finding of non-compliance with the Consent Agreement and Final Order, 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 and Final Order. Upon the Respondent providing said written verification the suspension will again be stayed.

VIOLATIONS

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

Count 1: 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.

Count 2: 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).

8. Based upon this agreed order, the parties agree that Respondent agrees to the suspension of her license to practice nursing in the state of Kansas for a period of six months, to begin on the date this agreed order is filed with the Office of Hearings and Appeals.

9. The parties agree that Respondent's RN nursing license to practice nursing in Kansas are immediately suspended as of the date of the filing of this order. Respondent shall not practice nursing as an RN in the state of Kansas until the six month period of suspension is complete and until she demonstrates her compliance with the terms of the Consent Agreement by enrolling in KNAP.



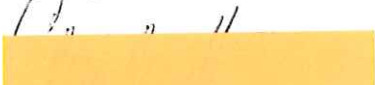
10. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.

11. By their signatures, the parties hereby acknowledge this agreed order.
12. Disciplinary counsel shall mail a copy of this Agreed Order to Lift the Stay of Suspension and Suspend to respondent's address.

IT IS SO ORDERED.



Sandra L. Sharon, Presiding Officer

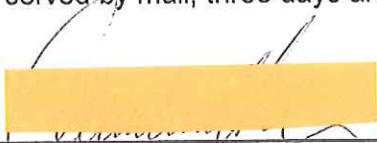

Amy Kelley
Respondent
2136 E. Brookstone
Derby, Kansas 67037
Kevin Fowler #11227
Attorney for Respondent
555 S. Kansas Avenue, Suite 303
Topeka, Kansas 66603
Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

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



Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 21st day of November, 2013, the foregoing copy of the AGREED ORDER TO LIFT STAY OF SUSPENSION AND SUSPEND LICENSE FOR SIX MONTHS was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Amy Kelley
2136 E. Brookstone
Derby, Kansas 67037

Kevin Fowler
555 S. Kansas Avenue, Suite 303
Topeka, Kansas 66603


Alma A. Heckler
Assistant Attorney General