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FEB 21 2014

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 NORMA FAY NIGHTINGALE

License No. 13-78515-081 and 23-25454-081

Case No 12-2185-1

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INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE

NOW ON THIS 18th day of February 2014, the Kansas State Board of Nursing, represented by Assistant Attorney General, Michael R. Fitzgibbons, and the Respondent, Norma Fay Nightingale, 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

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 through August, 2015. 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 P.O. Box 483, Montezuma, Kansas 67867-0483.
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. Respondent acknowledges that this agreement is an open record pursuant to the Kansas Open Records Act, K.S.A 45-215 et seq., and may be published or disseminated notwithstanding any state or federal law otherwise restricting public access to, or dissemination of, any personal or health care information, or any information or records of substance abuse evaluation and/or treatment contained herein.

5. 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.

6. Licensee 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. Licensee is waiving those rights and knowingly 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.

7. A petition would be filed to take disciplinary action against the licensee's license.

a. According to a report, it is alleged that while licensee was employed by Bob Wilson Memorial Grant County Hospital, Ulysses, Kansas, licensee repeatedly failed to document patient care.

b. Failed to clarify a Morphine order and administered the wrong dose. *True*

c. Altered the information on blood bank forms and completed a new blood bank form in an attempt to cover up licensee's error when checking out two (2) units of blood from blood bank. *only corrected & seeking help*

d. Licensee altered an infusion pump setting for an intravenous antibiotic after the director of nursing started the infusion. *Did not*

e. Licensee had previously been prohibited from any medication administration.

f. Licensee suffers from post-polio syndrome, fatigue, narcolepsy and repeatedly slept while on duty.

g. Licensee was referred to KNAP program for safety to practice evaluation including Mental health and physical disability on the 18th day of December, 2013.

h. KNAP received a letter from licensee on the 26th day of December, 2013 stating that licensee wished to give up her license. KNAP case was closed as unsuccessful.

14. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on Respondent's license. The original of this document shall be kept in the Board's agency file. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Initial Agreed Order to Surrender and Revoke is the date shown on the certificate of service.


15. If Respondent does seek reinstatement of Respondent's license, the agreed facts and listed violations are admitted, Respondent has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of Respondent's license the Respondent will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

16. 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.


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

IN WITNESS WHEREOF, the parties hereto execute this INITIAL AGREED ORDER TO

IT IS SO ORDERED.


Respondent
Norma Fay Nightingale
P.O. Box 483
Montezuma, Kansas 67867-0483

_____ must sign before a Notary Public.
State of Kansas
County of Gray



Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

I certify that this document has been signed by Norma Nightingale and is satisfactorily proven to be the person whose name is subscribed to the within instrument.

In witness hereof, I hereunto set my hand and official seal.


Notary Public




Sandra Sharon, Hearing Officer

Pursuant to K.S.A. 77-527, either party may request a review of this final order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed with 15 days from the date this final order was served. Failure to timely request a reconsideration by the Kansas State Board of Nursing may preclude further judicial review. The petition for reconsideration shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.


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

Pursuant to K.S.A. 77-530, if a request for reconsideration is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 21st day of February, 2014 I mailed a copy of this INITIAL ORDER AND CONSENT AGREEMENT TO SURRENDER LICENSE to:

Norma Fay Nightingale
P.O. Box 483
Montezuma, Kansas 67867-0483


Michael R. Fitzgibbons #12287
Assistant Attorney General