

Filed

JUL 29 2003

Board of Nursing

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

IN THE MATTER OF
CHARLES DAVID SACHS
LICENSE NO.13-081381-062

CASE NO. 01-199-8 & 02-349-8

CONSENT AGREEMENT FOR REINSTATEMENT AND FINAL ORDER

NOW ON THIS 23rd day of July, 2003, the Board of Nursing, represented by disciplinary counsel, Betty Wright, and the respondent, Charles David Sachs, enter into the following agreement:

AGREED FINDINGS OF FACT

1. Respondent has applied for a reinstatement of his/her license to practice nursing in Kansas as an ~~L.P.N.~~ R.N. TCB
2. It is established that respondent was previously licensed to practice nursing but the license was revoked indefinitely due to a Default Order Revoking License filed April 2, 2003, respondent was found to have violated the Nurse Practice Act as follows:
3. The respondent self referred to the Kansas Nurses Assistance Program (KNAP) on 2/14/01 and admitted to drug and alcohol treatment at Valley Hope twice in one year and at St. Francis Hospital eight or nine years ago. He signed a KNAP contract on 3/19/2001, but was already out of compliance with it on 3/30/2001. He was employed by the Holton Hospital and had signed a contract with the hospital to remain in treatment, abstain from mind-altering drugs, alcohol and potentially addicting medications. Respondent also agreed to participate in aftercare and a follow-up program after completion of treatment.
4. On 3/24/2001 while on duty at Holton Hospital, the respondent had a blood alcohol level of 187 (confusion range). The respondent violated his agreement with his employer and his KNAP contract.
5. The respondent re-enrolled in KNAP and entered Valley Hope on August 6, 2001, but a long term treatment program was being sought out of state. On 8/27/2001, the respondent

called KNAP and indicated that he was currently enrolled in a treatment program in Phoenix, Arizona. The respondent applied for a nursing license in Arizona on or about November 27, 2001. Respondent was granted a temporary license on December 1, 2001. The respondent notified the Arizona Board that he wanted to participate in the Chemically Addicted Nurses Diversion Options (CANDO) program in Arizona. Respondent failed to inform his employer in Arizona, as required in his agreement with CANDO, that he was in the CANDO program and enrolled in KNAP. His application for a license to practice as a nurse was therefore, denied in Arizona by order of the Board on 3/1/2002.

6. When respondent reapplied for a license in Kansas he failed to report on his renewal application, dated July 1, 2002, that he had been disciplined in Arizona and his license to practice nursing in Arizona had been denied. A certified copy of the Arizona denial order has been received from the Arizona Board, attached and incorporated by reference herein.

7. On 12/16/02 the respondent had a positive UA for benzodiazepines. He was instructed by KNAP to cease practice until a re-evaluation could be completed. He has not returned phone calls to KNAP. He is currently on leave of absence from his last employer, Lawrence Memorial Hospital, in Lawrence, Kansas.

8. Respondent has the right to a hearing for reinstatement with evidence and witnesses to establish evidence of his/her fitness to practice nursing 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 and the Kansas State Board of Nursing are waiving those rights and voluntarily entering into this consent 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(a) is established.

Respondent 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)(8) to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph (8).

Count 3: K.S.A. 65-1120(a)(1) to be guilty of fraud and deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

Count 4: K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board.

POLICY STATEMENT

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

DISPOSITION

1. The Board will reinstate respondent's nursing license subject to the following conditions:
 - a. Licensee shall participate in and complete the recommendations and requirements of the **Kansas Nurses Assistance Program (KNAP)**; sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report

information to the board.

b. Licensee shall complete **three (3) hours of Continuing Nurses Education (CNE) on the subject of "nursing ethics"** and submit the original certificates for proof of the completion of the hours within the next one hundred and twenty (120) days. The licensee may not use these hours to meet the CNE requirements of his/her next renewal or reinstatement period.

c. The licensee shall **not practice without supervision for a period of one year** from the date of nursing employment. During a period of non employment as a nurse, this provision will be in effect. The licensee shall not act in the capacity of a charge nurse for that period of time.

d. The Licensee shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order. Respondent shall also cause employer(s) to **provide quarterly reports** for the period of one year of continuous employment. The reports shall be prepared by licensee's immediate supervisor or by an R.N. who evaluates his/her performance on a regular basis. Such reports shall include information regarding attendance, performance and documentation. Respondent's employer may submit copies of employee evaluations conducted during a quarter in lieu of a report for that quarter. These reports or evaluations shall be sent by the employer to the attention of the Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 1051, Topeka, Kansas 66612-1230.

e. Licensee shall send a **money order for \$70** to the Board upon entering into this agreement.

e. Licensee is responsible for the costs related to satisfying these conditions.

f. Licensee agrees that until all quarterly evaluations are received by the Board, an "L" will appear on his/her license, indicating a limitation of practice.

2. If licensee does not meet these requirements, then petitioner may request additional sanctions against licensee's license or application for a license. Licensee would be sent notice of such action and would be entitled to a hearing as to whether he/she had complied with this agreement, but he/ she could not contest the established violation(s).

3. Licensee agrees to notify the Legal Division of any changes in his/her address and phone number as well as all nursing employment terminations or employer changes or additions. All such notifications shall be made within fourteen (14) days of such a change.

4. Licensee shall immediately notify the Board of any use of alcohol, if prohibited by KNAP, or controlled substances, or any violation of this Consent Agreement and Final Order.

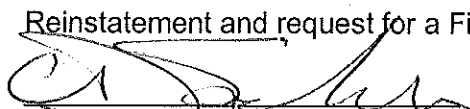
5. The Board will inactivate this case file once licensee satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against licensee's license for any additional or cumulative violation of the Nurse Practice Act committed by the licensee before or after this agreement is entered into.

6. This agreement is a contract entered into by the parties to resolve a revocation case. The original of this agreement shall be placed in the Agency Record and is a public record.

7. By signing this Consent Agreement, respondent acknowledges that he/she has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement constitutes the entire agreement of the parties and may not be modified except in writing and approved by all parties.

8. After the fourth satisfactory quarterly report is provided, CNE certificates are provided, \$70.00 money order is received, and KNAP requirements are met, the Consent Agreement will be completed. Licensee will mail the limited license (the current license with "L") to the Board and the Board will issue a license without limitation.

IN WITNESS WHEREOF, the parties hereto execute this Consent Agreement For
Reinstatement and request for a Final Order.


Charles David Sachs

Licensee
3800 SE Shawnee Heights Rd.
Tecumseh, KS 66542

State of Kansas)
County of Shawnee) SS

Subscribed to before me by Charles David Sachs on July 28, 2003.



Janice R. Shelton
Signature of Notary Public

Betty Wright
Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-4325

Terry Beck
Terry Beck
Hearing Officer

CERTIFICATE OF SERVICE

On the 25th day of July, 2003, I caused a copy of this document to be mailed, postage prepaid, to respondent at the above address.

Betty Wright
Betty Wright, #14785
Assistant Attorney General

10/19
6/19