

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
KIMBERLY K. BEAUDOIN
License No. 13-89528-062**

FILED
OCT 17 2011
KSBN

Case No. 10-370-0, 09-367-7

CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER

NOW ON THIS 17th day of October, 2011, the Kansas State Board of Nursing, represented by Assistant Attorney General, Danielle R. Sanger, and the Respondent, Kimberly K. Beaudoin, 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 06/30/2012. 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 17409 Chestnut Drive, Belton MO 64012.
3. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew licenses 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. The Board requested that a petition be filed to take disciplinary action against the Respondent's license.

5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that Respondent violated K.S.A. 65-1120(a). A hearing was set for October 17, 2011 at 1:30pm.
6. 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 Kansas Judicial Review Act. Respondent 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 Respondent's license.
7. Respondent understands that pursuant to K.S.A. 77-515, Respondent may be represented, at Respondent's expense, by an attorney during these proceedings.
8. On or about 7/29/2011, a petition was filed to revoke Respondent's license.
9. The 7/29/2011 petition alleged the following:
 - a. On or about 1/18/2009, while employed at Delmar Gardens of Overland Park, Respondent placed latex gloves on items at the nurse's station and in an area that breakfast bars were stored by a co-worker, a nurse, that has a severe latex allergy.
 - b. On or about 7/24/2009, Dr. David Dennis received a phone call from Wal-Mart pharmacy in Bonner Springs Kansas. The pharmacy reported that a nurse named "Angie" working for Dr. Dennis had called in a prescription for Respondent on that day. Dr. Dennis contacted his nurse, named Angela Sundell, who verified that she had not called in a prescription for Respondent on that day. Dr. Dennis requested Respondent's prescription records for Wal-Mart pharmacy which were allegedly approved over the phone by a nurse named "Angie".
 - c. The Pharmacy Manager at the Bonner Springs Wal-Mart, Corey A. Dunn, informed Dr. Dennis that all of Respondents narcotics and Alprazolams were approved over the phone by "Angie".

- d. Dr. Dennis specifically told Respondent that they were not going to refill anymore of the prescriptions allegedly approved by "Angie" since 6/08/2008.
 - e. In a statement received by the Board on 6/11/2010, Angela Sundell stated that she did not call in any of the prescriptions that had been filled for Respondent at the Bonner Springs Wal-Mart pharmacy between the dates of 6/4/2008 and 7/6/2009.
 - f. In the records received by the Board from Wal-Mart Pharmacy, between the dates of 6/19/2008 and 7/6/2009, Respondent filled 13 prescriptions for Alprazolam and 23 prescriptions for Hydrocodone, with the prescribing physician listed as Dr. David Dennis.
10. On or about 10/12/2011, Respondent, through counsel, admitted to impersonating another person licensed by the Board and calling in prescriptions for herself to the Bonner Springs Wal-Mart pharmacy.
11. On or about 10/12/2011, Respondent, through counsel, denied any involvement with placing latex gloves on items at the nurse's station at Delmar Gardens of Overland Park.
12. On or about 10/13/2011, Respondent, through counsel, indicated that she wanted to surrender her license instead of proceeding to hearing.

CONCLUSIONS OF LAW

1. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew licenses 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.
2. Respondent has violated the Kansas Nurse Practice Act as follows:
 - a. K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the Board, by KAR 60-3-110(u), engaging in nursing practice

while using a false or assumed name or while impersonating another person licensed by the board.

POLICY STATEMENT

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

DISPOSITION

1. Respondent is surrendering Respondent's license to practice nursing in Kansas.
2. Upon signing this agreement and returning it to the Board, Respondent shall not practice nursing in Kansas.
3. The Board will report this surrender and revocation to national data banks 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.
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 pursuant to a request.
5. If Respondent does seek reinstatement of Respondent's license, the agreed facts are admitted, and 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 Respondent's fitness to practice nursing in Kansas.
 - a. Per *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991), the factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made are the following:
 - i. The present moral fitness of the petitioner;
 - ii. The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
 - iii. The extent of petitioner's rehabilitation;
 - iv. The nature and seriousness of the original misconduct;

- v. The conduct subsequent to discipline;
- vi. The time elapsed since the original discipline;
- vii. The petitioner's character, maturity, and experience at the time of the original revocation;
- viii. The petitioner's present competence in medical skills.

6. 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.

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

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER.

IT IS SO ORDERED.

[Redacted signature area]

Kimberly Beaudoin
Respondent
17409 Chestnut Drive
Belton MO 64012

[Redacted signature area]

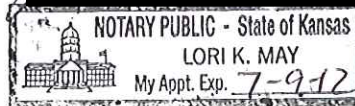
James Heathman, # 14582
Attorney for Respondent
3706 S.W. Topeka Blvd
Suite 402
Topeka, KS 66609

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Danielle R. Sanger, #24587
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

Kimberly Beaudoin must sign in front of a notary public.

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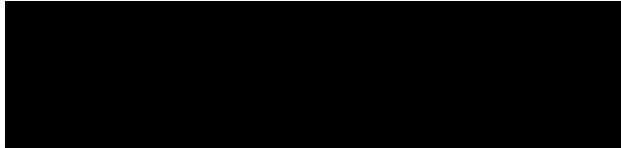
Sandra Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 19th day of October, 2011, I certify that I mailed a true copy of this
CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Kimberly Beaudoin
17409 Chestnut Drive
Belton MO 64012

James Heathman
Attorney for Respondent
3706 S.W. Topeka Blvd
Suite 402
Topeka, KS 66609



Danielle R. Sanger, #24587
Assistant Attorney General