

Filed

**BEFORE THE KANSAS STATE BOARD OF NURSING**  
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051  
TOPEKA, KANSAS 66612-1230

SEP 28 2005

Board of Nursing

IN THE MATTER OF  
**KATHI GROSSENBACHER**  
LICENSE NO. 13-89729-072

CASE NO. 03-629-9, 04-271-9

**CONSENT AGREEMENT TO  
SURRENDER AND REVOKE LICENSE AND FINAL ORDER**

Now on this 19<sup>th</sup> day of September, 2005, the

Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the licensee, Kathi Grossenbacher, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

1. Licensee is licensed as a nurse through 7/31/2006. The Board has jurisdiction over the licensee and the subject matter of this action.
2. 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.
3. Licensee has the right to a hearing and the right to seek review of the findings from these hearings in accordance with the Kansas administrative procedure act and the Kansas act for judicial review and civil enforcement of agency actions. Licensee is waiving those rights and knowledgeably 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.

**AGREED FINDINGS OF FACT**

4. A petition was filed 2/8/2005 to take disciplinary action against the licensee's license.
5. The petition alleged that in Case 03-629-9 while employed as a nurse at Hiawatha Community Hospital Hiawatha, Ks., the licensee had urine drug screens that were positive for opiates. On 10/9/03 her UDS was positive for opiates and on 10/13/2003 her UDS was positive for morphine. She did not have a prescription for morphine. The facility had a problem in August 2003 with morphine injectable syringes being diluted, and had their entire medical staff drug tested. Only the licensee had a positive morphine. The licensee did not provide a prescription for morphine to the facility.
6. In Case 04-271-9 on or about the evening shift of 4/9/04 to day shift 4/10/04 while employed as a nurse at Sabetha Community Hospital, the licensee charted giving patient Mr JT 3 doses of injectable morphine. The patient who was alert denied receiving morphine the night before and a urine drug screen was done on this patient on 4/10/04. The UDS revealed no morphine in the patient's urine. The licensee either diverted morphine, or inaccurately recorded administration of the drug.
7. On 5/27/05 respondent signed a Diversion Agreement with the board. Respondent agreed to participate in and complete the requirements of the [REDACTED]  
[REDACTED] notified the board that the respondent was noncompliant with [REDACTED] by having a positive UDS for alcohol on or about 7/13/05.
8. The respondent sent a letter to the board 9/1/2005 stating her wish to surrender her license.
9. 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(b) and K.S.A.77-501 *et seq.* and to judicial review.

**CONCLUSIONS OF LAW**

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

(a) K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

(b) K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

(c) K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d).

(d) 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)

### **POLICY STATEMENT**

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

### **DISPOSITION**

12. Licensee is surrendering his license to practice nursing in Kansas.

13. The respondent returned her nursing license to the Board on 9/1/2005.

14. Upon signing this agreement respondent **shall not practice nursing in Kansas.**

15. The Board does report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on her license. The original of this document shall be kept in the Board's agency file and its contents may be disclosed to the public upon request.

16. If licensee does seek reinstatement of the license, the agreed facts are admitted, she has waived her right to a hearing on the facts in this matter, however to receive a reinstatement of her license the applicant will have the opportunity at that time to prove her fitness to practice nursing.

17. 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.**

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Terry Beck, Hearing Officer

Approved by:

\_\_\_\_\_  
Kathi Grossenbacher  
Rt. 1, Box 81  
Bern, KS 66408

Prepared by:

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Betty Wright  
Assistant Attorney General  
900 SW Jackson, Suite 1051  
Topeka, Kansas 66612-1230  
785-296-7047

CERTIFICATE OF SERVICE

On the <sup>28<sup>th</sup></sup>~~27<sup>th</sup>~~ day of September, 2005, I mailed a copy of this document to:

Kathi Grossenbacher  
Rt. 1, Box 81  
Bern, KS 66408

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Betty Wright, Assistant Attorney  
General