

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**DEC 18 2007**

**KSBN**

**IN THE MATTER OF  
AMANDA B. ABASOLO  
License No. 13-091179-091**

**Case No. 07-680-5**

**CONSENT AGREEMENT AND FINAL ORDER**

NOW ON THIS 18<sup>th</sup> day of December, 2007, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Respondent, Amanda B. Abasolo, 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**

1. Respondent is licensed to practice nursing in Kansas through 9/30/2007 and let her license lapse. Respondent has filed for reinstatement and the application was received on October 8, 2007. 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 426 Quail Ridge Ct, Mulvane, KS 67110.
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. 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.
5. 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 is established.

6. On or about 5/17/2007 the Respondent was caught by Hospital Security and admitted to diverting morphine from her employer, Wesley Hospital . Upon a search of Respondent's vehicle by Wesley Hospital Security seven (7) syringes of 10 mg. morphine were found.

Respondent further admitted to abusing drugs for two and a half or three years or since the birth of her child.

7. The above incidents are violations of the nurse practice act. The Respondent agrees that the board is prepared to prove that respondent has violated:

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

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

8. Respondent has the right to a hearing with evidence and witnesses 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 is waiving those rights and voluntarily entering into this 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 is established.

10. Respondent has 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)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

### **POLICY STATEMENT**

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

### **DISPOSITION**

12. 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 and K.S.A.77-501 et seq. and to judicial review.

13. Upon the parties entering into this Consent Agreement and Final Order, the Respondent's application for reinstatement of Respondent's Kansas Nursing license will be granted once the following conditions have been met: (a) Respondent has met all statutory requirements for reinstatement of Respondent's Kansas Nursing License; (b) Respondent has entered the Kansas Nurses Assistance Program (KNAP); (c) KNAP has issued a written statement to the Kansas State Board of Nursing which states the Respondent has submitted to at least one drug screen since entering this consent agreement, the result of which is negative for substances prohibited by KNAP; and (d) KNAP has issued a written statement to the Kansas State Board of Nursing which states that the Respondent has completed two consecutive months of compliance in KNAP since entering this consent agreement and that the Respondent is safe to practice nursing in the State of Kansas. Respondent has completed these items and a license may issue upon receipt of the agreement by the Board, signed and notarized by the Respondent and endorsed by the Hearing Officer.

14. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this Consent Agreement will continue through any renewal periods of respondent's nursing license until respondent completes each of the

conditions and requirements of this agreement. Further, the parties agree that in the event of a lapse of Respondent's nursing license, reinstatement of Respondent's nursing license shall be contingent upon this Consent Agreement and Final Order remaining in effect until Respondent completes each of the conditions and requirements of this agreement.

15. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that once Respondent's application for reinstatement of his license to practice nursing in Kansas is granted pursuant to paragraph 13 of this Consent Agreement and Final Order, then Respondent's license to practice nursing in Kansas will be immediately suspended. The suspension will be stayed as long as the requirements and conditions of this agreement are met.

16. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that once Respondent's application for reinstatement of his license to practice nursing in Kansas is granted pursuant to paragraph 13 of this Consent Agreement and Final Order, then Respondent's license to practice nursing in Kansas is immediately limited. The limitations placed on the license and described below will remain in place until the requirements and conditions of this agreement are met or until the requirements and conditions of this agreement call for the modification of the limitations.

17. The Kansas State Board of Nursing will not take additional disciplinary action against respondent's nursing license for the violations stated above as long as respondent completes each of the following conditions and requirements:

(a) Once Respondent's license to practice nursing in Kansas has been granted pursuant to paragraph 13 of this Consent Agreement and Final Order, Respondent shall receive a license card which shall be issued with an "S" placed in the status code portion of the license card to indicate that the license is suspended with a Stay. The card will have an "L" indicating the limitations on the practice.

(b) Respondent will participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor respondent and for KNAP to report information to the board. Respondent will be deemed to have completed the KNAP program when KNAP issues written notification that respondent has completed the program. Noncompliance with KNAP is a violation of this agreement.

(c) Respondent must submit to random drug screens as determined or selected by the Board or by KNAP. The costs of the drug screens will be paid by the respondent. Respondent agrees that a Positive Drug Screen is a violation of this agreement.

(d) Respondent shall have a narcotic key restriction on respondent's license for the first six (6) months after respondent secures employment that requires a nursing license. The narcotic key restriction prohibits the respondent from passing of narcotics, wasting of narcotics or having access to narcotics. The narcotic key restriction also prohibits the respondent from supervising nurses or others that have access to narcotics. After respondent completes six (6) months of employment, that requires a nursing license, without violating any terms of this agreement, respondent may request that the narcotic key restriction be removed from respondent's license. Respondent's request shall include written verification from respondent's employer, to the Kansas State Board of Nursing, as to whether the respondent has been employed in a position that requires a nursing license; as to whether the respondent has held that position for at least six (6) months; as to whether the respondent has passed, wasted, had access to, or supervised others that had access to narcotics. With a showing that the narcotic key restriction term of this agreement has been met by the respondent, and the respondent is compliant with all other terms of this agreement, the narcotic key restriction will be removed from respondent's license and respondent will be issued a license card with no limitations on the practice.

(e) Respondent shall immediately notify the Legal Division of any use of alcohol, if prohibited by KNAP, or controlled substances, or any violation of this Consent Agreement and Final Order.

(f) The respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order.

(g) Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.

(h) Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.

(i) Respondent shall not violate the laws of the United States, of State, or of any political subdivision of any State during the term of this agreement. Traffic infractions shall not be considered violations of the law.

(j) The Respondent will complete three (3) hours of Continuing Nurses Education (CNE) on the topic of "Substance Abuse". Respondent is to submit the original certificates for proof of the completion of the hours within 30 days of signing this agreement. Respondent may not use these hours to meet the CNE requirements of any renewal period.

(k) Respondent/Licensee will Submit Reports from the Licensee's 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 on the following schedule: Prior to Licensee securing employment that utilizes his or her nursing license, Licensee is to mail to the Kansas State Board of Nursing a statement indicating that Licensee has not yet secured employment which utilizes Licensee's nursing license. This statement is due by the 10th day of each month beginning the next month after signing this consent agreement. Once Licensee is employed in a position that utilizes his or her nursing license, or if Licensee is currently employed in a position that utilizes his or her nursing license, a nursing performance report is due by the 10th day of every third Month until Licensee has caused the submission of four (4)

separate nursing performance reports. The report shall be prepared and signed by Licensee's immediate supervisor or by an R.N. who evaluates Licensee's performance on a regular basis and be based on the following guidelines:

- (1) Incorporation of information on facility letterhead stationary is preferred.
- (2) Letter format is acceptable, with the date of the report identified.
- (3) Evaluator's name, telephone number, address, license number and nursing credentials.
- (4) Licensee's name, address, telephone number, license number.
- (5) A short explanation of the Licensee's work performance in the following areas:
  - (a) Standards met regarding facility policies and procedures.
  - (b) Compliance with the Kansas Nurse Practice Act.
  - (c) Supervisor evaluations.
  - (d) Overall appropriateness.
  - (e) Interactions with patients.
  - (f) Interactions with staff and administration.
- (l) Respondent agrees to notify the Legal Division of any changes in address and phone number as well as all employment terminations or employer changes or additions. All such notifications shall be made in writing within fourteen (14) days of such a change.

18. Respondent acknowledges and agrees that Respondent is responsible for the costs related to satisfying the conditions and requirements of this Consent Agreement. Respondent further acknowledges and agrees that to provide the Board with false information regarding compliance with this Consent Agreement is a violation of this Consent Agreement.

19. If Respondent does not meet these conditions and requirements, the Kansas State Board of Nursing may request additional sanctions against Respondent's license or application for a license. Respondent would be sent notice of such action and would be entitled to a

hearing as to whether Respondent had complied with this Consent Agreement, but Respondent could not contest the violations listed in this agreement.

20. All parties understand that if an action based on failure to meet the conditions and requirements of this Consent Agreement is filed, K.S.A. 77-531 requires the Notice of Hearing to be served upon the Respondent and the Respondent's attorney of record, if any. All parties agree that only serving the Notice of Hearing upon the Respondent will be proper service and it is the Respondent's responsibility to contact his or her attorney, if any, in reference to the action.

21. Respondent acknowledges and agrees that upon a first finding of Respondent not complying with the conditions or requirements of this Consent Agreement, 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. Respondent will not be allowed to practice nursing in the state of Kansas during the period of suspension.

22. Respondent acknowledges and agrees that upon a second or subsequent finding of Respondent not complying with the conditions or requirements of this Consent Agreement the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas, shall be lifted for a period of one year from the date of said finding. Respondent will not be allowed to practice nursing in the state of Kansas during the period of suspension.

23. Respondent acknowledges and agrees that upon the Stay of Suspension being lifted due to a finding of non-compliance with this Consent Agreement, 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. Upon the Respondent providing said written verification the suspension will again be stayed.

24. The Board will inactivate this case file once respondent satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against Respondent's



license for any additional or cumulative violation of the Kansas Nurse Practice Act committed by the Respondent before or after this agreement is entered into.

25. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. This agreement is a contract entered into by the parties to resolve an investigative case. The original of this agreement shall be placed in the Agency Record and is a public record.

26. After successful completion of all of the conditions and requirements of this Consent Agreement by the respondent, the Consent Agreement will be satisfied and the case will be inactivated.

27. By signing this Consent Agreement and Final Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement and Final Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties.

28. 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.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT AND FINAL ORDER.

IT IS SO ORDERED.

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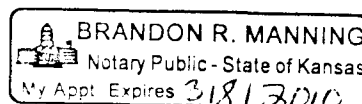
Amanda B. Abasolo  
Respondent  
426 Quail Ridge Ct  
Mulvane, KS 67110

Amanda B. Abasolo must sign before a Notary Public.

State of Kansas, County of Sedgwick ss.  
SUBSCRIBED AND SWORN TO before me by Amanda B. Abasolo

on this 14th day of December, 2007.

Brandon R. Manning My Commission Expires \_\_\_\_\_  
Signature of Notary Public (Notary Public Seal)



Alma A. Heckler, #11555  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

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Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 18<sup>th</sup> day of December, 2007, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Amanda B. Abasolo  
426 Quail Ridge Ct  
Mulvane, KS 67110

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Alma A. Heckler, #11555  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING

MAY 27 2008

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

KSBN

IN THE MATTER OF  
AMANDA B. ABASOLO  
License No. 13-091179-091

Case No. 07-680-5

**PROPOSED DEFAULT ORDER TO LIFT STAY OF SUSPENSION AND SUSPEND LICENSE**

NOW ON THIS 27<sup>th</sup> day of May, 2008, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 9/30/2009. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order lifting the stay of suspension and suspending respondent's license. The petitioner's request is granted by default.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, Respondent's license to practice nursing is suspended for a period of six months. 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 the Consent Agreement and Final Order dated December 18, 2007.
6. 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.

7. Respondent shall immediately forward his or her original Kansas registered nurse license to the Kansas State Board of Nursing.
8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

**IT IS SO ORDERED.**

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Sandra L. Sharon, Presiding Officer

**NOTICE**

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at:

State Board of Nursing - Legal Division  
Landon State Office Building  
900 SW Jackson, Ste 1051  
Topeka, KS 66612-1230

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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 27th day of May, 2008, the foregoing copy of the Proposed Default Order To Lift Stay Of Suspension And Suspend License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Amanda B. Abasolo  
426 Quail Ridge Ct  
Mulvane, KS 67110

\_\_\_\_\_  
Alma A. Heckler  
Assistant Attorney General

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

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**KSNB**

**IN THE MATTER OF  
AMANDA B. ABASOLO  
License No. 13-091179-091**

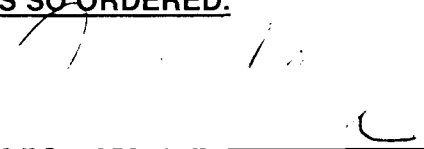
**Case No. 07-680-5**

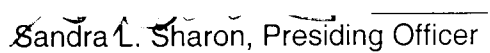
**ORDER TO LIFT SUSPENSION**

Now on this 9<sup>th</sup> day of March, 2009 the petitioner, the Board, through counsel Alma A. Heckler, moves to lift the suspension of Respondent's license to practice nursing in the state of Kansas. Respondent's license to practice nursing was suspended from May 27, 2008 to present, pursuant to a Consent Agreement and Final Order entered in the above captioned case on May 27, 2008 . Petitioner has received documentation showing that the Respondent has complied with the conditions and requirements of the Consent Agreement and Final Order. The period of said suspension has ended. The hearing officer orders that the Suspension of Respondent's license to practice nursing in the state of Kansas is lifted.

Counsel for Petitioner shall mail a copy of this order to Respondent's address of record.

**IT IS SO ORDERED.**



  
Sandra L. Sharon, Presiding Officer

Alma A. Heckler, #11555  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

**NOTICE OF RIGHT TO APPEAL**

The procedures available and time limitations for seeking review or other relief as follows:  
Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send your request to:

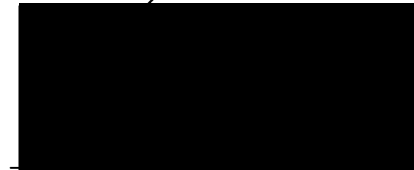
Mary Blubaugh, Executive Director, Board of Nursing  
Landon State Office Bldg.  
Suite 1051, 900 SW. Jackson  
Topeka, KS 66612-1230.

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

CERTIFICATE OF SERVICE

On the 10<sup>th</sup> day of March, 2009, I hereby certify that copies of the above and foregoing ORDER TO LIFT SUSPENSION, were placed in the U.S. Mail, postage prepaid, addressed to:

Amanda B. Abasolo  
426 Quail Ridge Ct  
Mulvane, KS 67110



Alpha A. Heckler  
Assistant Attorney General