

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

10/1/09  
**FILED**

**AUG 3 2009**

**KSBN**

**IN THE MATTER OF  
DESIREE L. WARD**

**License No. 13-91398-112**

**Case No. 08-031-3, 08-1023-3**

**CONSENT AGREEMENT AND FINAL ORDER**

NOW ON THIS 31<sup>st</sup> day of August, 2009, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Desiree L. Ward, 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 lapsed 11/30/2008. Respondent filed an application for reinstatement of her license to practice nursing in the state of Kansas. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's resides at 620 N. 6<sup>th</sup> Ave. Apt 202, Hastings, NE 68901.
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. (a) On or about 8/28/1995, Respondent was convicted of No Proof of Insurance, a misdemeanor, in the Municipal Court of Great Bend, Kansas, case number 95D2266B.

(b) On or about 2/5/1996, Respondent was convicted of Drive While License is Suspended, a misdemeanor, in the Municipal Court of Great Bend, Kansas, case number 9600256B.

(c) On or about 4/27/1998, Respondent was convicted of Violation of Check Laws, a misdemeanor, in the District Court of Barton County, Kansas, case number 98CR89.

(d) On or about 12/7/1998, Respondent was convicted of No Valid Driver's License, a misdemeanor, in the District Court of Barton County, Kansas, case number 98TR1650.

(e) On or about 5/29/2001, the Board received Applicant's application for licensure as a licensed practical nurse. In that application Applicant answered "No" to the question Have you ever been convicted of a misdemeanor or felony?

(f) On or about 5/29/2003, the Board received Applicant's application for licensure as a registered professional nurse. In that application Applicant answered "Yes" to the question Have you ever been convicted of a misdemeanor or felony? Applicant supplied with the application information showing a 1998 conviction of misdemeanor giving a worthless check.

(g) On or about 6/27/2003, the Board issued written notice advising Applicant to include all convictions and disciplinary actions on any/all future nursing applications submitted to the KSBN.

(h) On or about 7/18/2003, the Board issued another written notice advising Applicant to be more careful in the future and report any/all convictions and disciplinary actions (driver's license suspension) not reported to the KSBN previously.

(i) On or about 12/1/2004, Applicant's application for renewal of her license to practice nursing was received by the KSBN. In that application, Applicant answered "No" the question Has disciplinary action ever been taken, or is such action pending on any license in Kansas or by any other state, territory, country or governmental agency? As a result of the

incident the Board requested and Applicant agreed to complete two hours of continuing nursing education. Applicant completed the hours on 6/27/2005.

(j) On or about 4/19/2008, Applicant was working as a nurse at Salina Regional Health Center, Salina, Kansas. On or about 4/19/2008 a B.R. was admitted to Salina Regional Health Center. A physician prepared orders for the patient which included the medication Coumadin. Applicant worked 7:00 p.m. to 7:00 a.m. on 4/19/2008. Part of her duties included a 24 hour chart check of B.R. The chart check includes checking physician's orders for medications then transferring the prescribed medications to the Medication Administration Record (MAR). Applicant documented that she completed the chart check at 0430 on 4/20/2008. Applicant failed to include Coumadin on the MAR for 4/20/2008 which led to B.R. not receiving the prescribed Coumadin until 4/23/2008.

(l) On or about 11/30/2008, Respondent's license to practice nursing in the state of Kansas lapsed.

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: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

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

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

## **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 with the respondent having met all statutory requirements for reinstatement of respondent's Kansas Nursing license, the respondent's application for reinstatement of respondent's Kansas Nursing license will be granted.

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 and Final Order shall continue in force and effect for a term of twelve (12) months. 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 the Respondent's license to practice nursing in Kansas is immediately suspended. The suspension will be stayed as long as the requirements and conditions of this agreement are met.

16. 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) **Respondent shall return his or her current license card to the Board with this Consent Agreement.** 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.

(b) **Respondent will complete three (3) to six (6) hours of Continuing Nurses Education (CNE) on the topic of "Documentation."** Respondent is to submit the original certificates for proof of the completion of the hours within 90 days of this agreement. Respondent may not use these hours to meet the CNE requirements of any renewal period.

(c) **Respondent will complete four (4) to six (6) hours of Continuing Nurses Education (CNE) on the topic of "Critical Thinking."** Respondent is to submit the original certificates for proof of the completion of the hours within 90 days of this agreement. Respondent may not use these hours to meet the CNE requirements of any renewal period.

(e) **Respondent shall immediately notify the Legal Division of 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.

(k) **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.**

17. 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.

18. 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.

19. 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.

20. Respondent acknowledges and agrees that if any action based on failure to meet the conditions and requirements of this Consent Agreement is filed during the term of this Consent Agreement and Final Order, or within 30 days after the expiration date, the conditions of this Consent Agreement and Final Order shall continue in effect until the Board or a hearing/presiding officer designated pursuant to K.S.A. 77-514 and K.S.A. 77-526, rules on the action.

21. Respondent acknowledges and agrees that upon a first finding of Respondent not complying with any of 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. Respondent acknowledges and agrees that all conditions and requirements of this Consent Agreement remain in effect during the period of suspension.

22. Respondent acknowledges and agrees that upon a second or subsequent finding of Respondent not complying with any of 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. Respondent acknowledges and agrees that all conditions and requirements of this Consent Agreement remain in effect 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 any of the conditions or requirements of 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 and has remained in compliance during the period of suspension, 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. This Agreement is a public record and will be reported to national disciplinary data banks.

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. Respondent hereby releases the Kansas State Board of Nursing, its employees and agents, from all claims, to mean those damages, actions, liabilities and causes of actions, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions; K.S.A. 77-601 et seq. This release shall discharge the Kansas State Board of Nursing of any and all claims or demands of every kind and nature that Respondent has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Respondent shall not commence to prosecute, cause or permit to be prosecuted any action or proceeding or any description against the Kansas State Board of Nursing, its employees or agents, arising out of acts leading to the execution of this Consent Agreement and Final Order or the contents of this Consent Agreement and Final Order.

28. 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

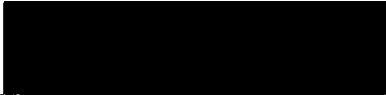


and may not be modified except in writing and approved by all parties. The effective date of this Consent Agreement and Final Order is the date shown on the certificate of service.

29. 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.**

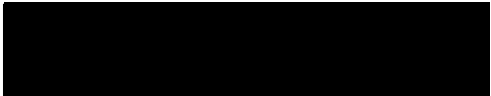


Desiree L. Ward  
Respondent  
620 N. 6th Ave. Apt 202  
Hastings, NE 68901

**Desiree L. Ward must sign before a Notary Public.**

Subscribed and sworn before me in my presence, this 27 day of July 2009, a Notary Public in and for the County of Adams State of NE  
Patricia Jacob  
(signature) Notary Public  
My Commission Expires 6-19-11

Mark A. Knight, #12183  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612



Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 27<sup>th</sup> day of August, 2009, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Desiree L. Ward  
620 N. 6th Ave. Apt 202  
Hastings, NE 68901



Mark A. Knight, #12183  
Assistant Attorney General