

FILED

JUN 23 2016

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF

Joyce Yvonne Small f/k/a Joyce Henderson

OAH no. 16BN0091

License No. 13-94910-091

Case No. 13-2035-7

FILED OAH

21 JUN '16 PM2:50

CONSENT AGREEMENT AND INITIAL ORDER

The Kansas State Board of Nursing, represented by Assistant Attorney General, Bryce D. Benedict, and the Respondent, Joyce Small, 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. Respondent is licensed to practice nursing in the State of Kansas. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. 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.
3. 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.

POLICY STATEMENT

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

FINDINGS OF FACT

5. The respondent was employed as a nurse at Golden Living Center Parkway. On October 9, 2013 a patient was admitted post kidney transplant to Golden Living Center

Parkway, where he came under the care of the respondent. This patient had been prescribed anti-rejections drugs. The evidence indicates either that respondent failed to administer these medications, or that respondent did administer the medications but failed to properly document their administration. Either failure is a violation of the Kansas Nurse Practice Act.

CONCLUSIONS OF LAW

6. 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.

7. Respondent violated the Kansas Nurse Practice Act.

DISPOSITION

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.

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.

9. The respondent is hereby disciplined by public censure.

10. Respondent is ordered to send a money order for \$100.00 to the Board upon entering into this agreement to pay the cost of this action.

11. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. 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.

12. 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.

13. 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.

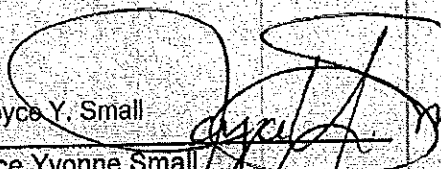
22. Disciplinary counsel shall serve a copy of this order upon respondent counsel.


IT IS SO ORDERED.

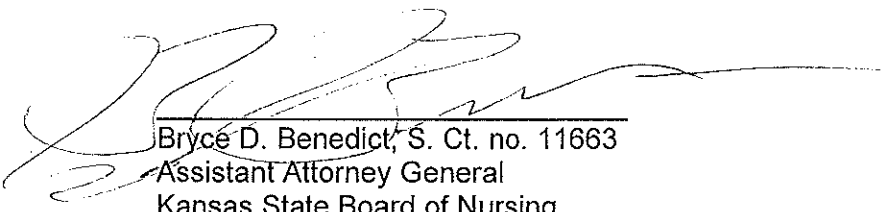
Dated: 6-21-16


Sandra L. Sharon
Administrative Law Judge

APPROVED BY:

Joyce Y. Small

Joyce Yvonne Small


Stephen Netherton #26039
HITE FANNING & HONEYMAN
100 N. Broadway, Suite 950
Wichita KS 67202-2209
Attorney for Respondent

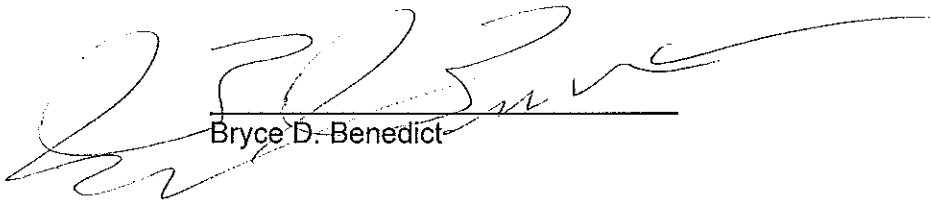


Bryce D. Benedict, S. Ct. no. 11663
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

CERTIFICATE OF SERVICE

On the 24th day of June, 2016, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Stephen Netherton
HITE FANNING & HONEYMAN
100 N. Broadway, Suite 950
Wichita KS 67202-2209



Bryce D. Benedict