

**BEFORE THE KANSAS STATE BOARD OF NURSING**  
Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

**IN THE MATTER OF**  
**STEVEN L. HULL**  
License No. 13-096199-012

**Case No. 04-543-6**

**FILED**  
**APR 21 2010**

**KSBN**

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**CONSENT AGREEMENT AND FINAL ORDER**

NOW ON THIS 21<sup>st</sup> day of April 2010, the Kansas State Board of Nursing, represented by Assistant Attorney General, Brenda J. Clary, and the Respondent, Steven L. Hull, 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 1/31/2010.
2. Respondent's address of record is 13298 K-39 Hwy, Benedict, KS 66714.
3. Respondent understands that pursuant to K.S.A. 77-515, respondent may be represented at respondent's expense by, an attorney during these proceedings.  
Respondent acknowledges and understands his right, pursuant to K.S.A. 77-523, to respond, present evidence and argument, conduct cross-examination of witnesses, and submit rebuttal evidence, and Respondent explicitly waives those rights and voluntarily enters into this agreement instead of proceeding to such a hearing.
4. Respondent further waives all possible substantive and procedural motions and defenses that could be raised during an administrative hearing process pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*
5. Respondent acknowledges and understands that, pursuant to K.S.A. 77-527, he would have the right to seek review of an initial order by filing a petition for review by the agency head, addressed to Mary Blubaugh, Executive Director, Kansas State Board of Nursing, within fifteen (15) days of the date an initial order is served. Respondent expressly waives review, and the

parties agree to the entry of a final order by a presiding officer designated pursuant to K.S.A. 77-514 and K.S.A. 527 to act of behalf of the Board.

6. Respondent acknowledges and understands that, pursuant to the Kansas judicial Review Act, K.S.A. 77-601 *et seq.*, and amendments thereto, he would have the right to seek judicial review of an adverse final agency action by filing a petition for review with the district court within 30 days after service of a final order and serving the petition on Mary Blubaugh, Executive Director, Kansas State Board of Nursing. Respondent expressly waives judicial review.

7. Respondent acknowledges and understands that, upon signature by the parties and the presiding officer, this agreement will be an open record pursuant to the Kansas Open Records Act, K.S.A. 45-215 *et seq.*, and may be published or disseminated notwithstanding any state or federal law otherwise restricting access to, or dissemination of, personal or health care information, or any information or records of substance abuse evaluation and/or treatment, contained herein.

8. The parties agree that, after an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent was subject to discipline pursuant to K.S.A. 65-1120(a), or had otherwise violated the Kansas Nurse Practice Act, and referred this matter for further proceedings.

9. The parties agree that, on or about December 6, 2004, Respondent, as a licensed practical nurse, entered into a diversion agreement with the Board.

10. On or about January 21, 2005, at Respondent's request, Respondent and the Board entered into an amended agreement.

11. On or about May 23, 2005, Respondent submitted an application for licensure as a registered professional nurse (RN), and on July 13, 2005, the agreement was again modified to include the RN license.

12. The agreement provided that the Board would not take disciplinary action against Respondent's nursing license based on the stipulated facts so long as Respondent participated in and completed the reasonable requirements of the [REDACTED] [REDACTED] did not work in home health or private duty nursing, and paid the costs of satisfying the conditions.

13. To date, Respondent has failed to complete the [REDACTED] contract.

14. Pursuant to the diversion agreement, Respondent stipulated that he had misdemeanor convictions of driving while under the influence of alcohol in 1997, 1999, and 2003. He admitted a history of alcohol abuse as well as a history of depression, with inpatient treatment of both.

15. Respondent acknowledges that he has breached the terms of the diversion agreement, and pursuant to the terms of the agreement, he may not contest the following grounds for discipline:

(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)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

#### **CONCLUSIONS OF LAW**

16. The parties agree that 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, if a violation of K.S.A. 65-1120(a) is established, or may levy administrative fines consistent with K.S.A. 74-1110 for a violation of the Nurse Practice Act.

17. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.

18. Respondent has knowingly and voluntarily waived his rights to hearing and review.

19. The Board may take disciplinary action against Respondent's license pursuant to the diversion agreement on the following grounds:

Count 1: K.S.A. 65-1120(a)(2), to have been guilty of misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation to warrant the public trust.

Count 2: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

20. Further, Respondent's relapses and failure to complete the KNAP program establish the following additional grounds for disciplinary action:

Count 3: 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 4: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.

#### **POLICY STATEMENT**

21. The role of the Kansas State Board of Nursing is to protect citizens of Kansas, and the proposed action furthers that purpose.

#### **DISPOSITION**

22. Upon the parties' entering into this Consent Agreement and Final Order, the Board will again refer Respondent to KNAP.

23. Upon filing of this Consent Agreement and Final Order, Respondent's license to practice nursing will be suspended.

24. The suspension will be stayed once the following conditions have been met: (a) Respondent has entered the Kansas Nurses Assistance Program (KNAP); (b) KNAP has issued a written statement to the Kansas State Board of Nursing which states the Respondent has submitted to at least one drug and/or alcohol screen since entering this consent agreement, the result of which is negative for substances prohibited by KNAP; and (c) 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. The suspension will be stayed as long as the requirements and conditions of this agreement are satisfied.

25. 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.

26. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that once the suspension of Respondent's license to practice nursing in Kansas is stayed pursuant to paragraph 24 of this Consent Agreement and Final Order, then Respondent's license to practice nursing in Kansas will be 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.

27. 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. 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. Respondent must enroll in the KNAP program within thirty (30) days of entering this agreement. Noncompliance with KNAP is a violation of this agreement.
- c) Respondent must submit to random drug and/or alcohol screens as determined by the Board or by KNAP. The costs of the screens will be paid by the respondent. Respondent agrees that a Positive Drug or Alcohol Screen is a violation of this agreement.
- d) If such restriction is recommended following a substance abuse evaluation and/or required by Respondent's agreement with KNAP, 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. A narcotic key restriction prohibits the respondent from passing of narcotics, wasting of narcotics or having access to narcotics. A narcotic key restriction also prohibits the respondent from supervising nurses or others that have access to narcotics. If such restriction is imposed, 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 Respondent has been employed in a position that requires a nursing license; as to whether Respondent has held that position for at least six (6) months; and as to whether 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 Respondent, and Respondent is compliant with all other terms of this agreement, the narcotic key restriction will be removed from Respondent's license.

- e) Respondent shall not work in home health care or private duty nursing except to care for members of Respondent's own immediate family by blood, marriage, or adoption (spouse, parent, child, or sibling) or a parent or child of a member of Respondent's immediate family.
- f) Respondent shall immediately notify the Legal Division of any use of alcohol or controlled substances or any other violation of this Consent Agreement and Final Order.
- g) Respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order.
- h) Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.
- i) Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.
- j) 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 (violations for which the accused may pay a fine without appearing in court) shall not be

considered violations of this agreement. However, convictions of traffic misdemeanors may be considered violations and must be reported promptly.

28. Respondent agrees to notify the Legal Division of any changes in address and phone number as well as all employment terminations or changes or additions of employers. All such notifications shall be made in writing within fourteen (14) days of such a change.

29. 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.

30. If Respondent does not satisfy these conditions and requirements, the Kansas State Board of Nursing may request additional sanctions against Respondent's 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.

31. 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 Respondent's attorney of record, if any. All parties agree that serving the Notice of Hearing upon Respondent only will be proper service and it is Respondent's responsibility to contact his or her attorney, if any, in reference to the action.

32. Respondent acknowledges and agrees that if any action based on failure to satisfy the conditions and requirements of this Consent Agreement is filed during the term of this Consent Agreement and Final Order, which may extend 30 days beyond the expiration date of the KNAP contract or any other time-limited provision, the conditions of this Consent Agreement and Final Order shall continue in effect until the Board, or a hearing officer designated pursuant to K.S.A. 77-514 and K.S.A. 77-526, rules on the action.



33. Respondent acknowledges and agrees that upon a first finding that Respondent has failed to comply 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.

34. Respondent acknowledges and agrees that upon a second or subsequent finding that Respondent has failed to comply 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.

35. Respondent acknowledges and agrees that upon lifting of the Stay of Suspension due to a finding of non-compliance with any of the conditions or requirements of this Consent Agreement, the Board will not again stay the suspension until the Respondent has, following the prescribed minimum time 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.

36. The Board will inactivate Respondent's case file(s) once Respondent satisfies this agreement. This agreement does not prevent the agency from taking disciplinary action against Respondent or Respondent's license for any additional or cumulative grounds or misconduct committed by the Respondent before or after this agreement is entered into.

37. This agreement is a disciplinary action 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.

38. 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.

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

40. 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.

Steven L. Hull must sign before a Notary Public.

Approved by:

[Redacted signature area]

Steven L. Hull  
13298 K-39 Hwy  
Benedict, KS 66714  
*Respondent*

State of Kansas )  
County of Wilson )

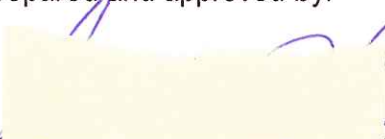
This instrument was acknowledged and signed before me by Steven Hull on the 20th day of April 2010.

Vickie L. Schlotterbeck  
(Notary's signature)




My appointment expires 08-16-2013

Prepared and approved by:

  
Brenda J. Clary, #18770  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

IT IS SO ORDERED.

  
Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

The undersigned hereby certified that on the 26<sup>th</sup> day of April 2010, a true and correct copy of the foregoing CONSENT AGREEMENT AND FINAL ORDER was placed in the U.S. Mail, first-class postage prepaid, addressed to the following:

Steven L. Hull  
13298 K-39 Hwy  
Benedict, KS 66714

  
Brenda J. Clary  
Assistant Attorney General