

BEFORE THE KANSAS STATE BOARD OF NURSING

FILED

NOV 06 2013

KSBN

IN THE MATTER OF
CHRISTINA LEA HALL
License No. 13-98685-122

Case No. 11-1470-5
OAH No. 13BN0012

INITIAL ORDER

Now on this 22nd day of October 2013, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing (Board/Petitioner) on its Motion to Show Cause (or Motion to Lift Stay). Sandra L. Sharon was duly appointed Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General Michael R. Fitzgibbons, Disciplinary Counsel for the Board. The Respondent, Christina Lea Hall, appears in person.

Findings of Fact

1. On February 14, 2013, the respondent entered into a Consent Agreement and Final Order with the Board. Relevant sections of the Consent Agreement and Final Order are as follows:
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 3. The facts below are common to all counts:
 - (a) While employed by Wesley Medical Center, Wichita, Kansas it alleged that respondent accessed the Pyxis system while not on duty and diverted IV Benadryl.
 - (b) These incidents allegedly occurred on or about September 5th, 2011.
 - (c) Respondent was terminated from her employment.
 12. Respondent has violated the Kansas Nurse Practice Act as follows:
 - Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);
 - Count 2: K.S.A. 65-1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
 - Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.
 - Count 4: K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act.

16. 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 suspended for a period of one (1) year from the date of this agreement and the suspension will be stayed providing the Respondent is in compliance with the terms and conditions of this agreement.
22. Respondent acknowledges and agrees that upon a finding of Respondent not complying with any of the conditions or requirements of this Final Order and Consent Agreement the stay on the Suspension of Respondent's license to practice nursing in the State of Kansas will be removed 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 Final Order and Consent Agreement remain in effect during the period of suspension.
27. By signing this Final Order and Consent Agreement, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms...

Applicable Law

1. The respondent has violated the Consent Agreement and Final Order she entered into with the Board on February 14, 2013. Per the agreement, the stay of suspension on the respondent's license to practice nursing in the State of Kansas is removed pursuant to paragraph 22 of the Consent Agreement and Final Order.

Conclusion

1. The respondent shall not be allowed to practice nursing in the State of Kansas for one year pursuant to the Consent Agreement and Final Order she has with the Board. This suspension period shall begin thirty days as of the service date of this order, pursuant to K.S.A. 77-530(b)(3).
2. Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.



Sandra L. Sharon
Administrative Law Judge/Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612
Telephone: 785-296-2433

CERTIFICATE OF SERVICE

On Nov. 6, 2013, I mailed this original document through State Building
Mail to:


Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Michael R. Fitzgibbons
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through first class mail to:

Christina Lea Hall
271 S Glen Eagle Ct.
Wichita, KS 67101



Staff Person
Office of Administrative Hearings