

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

Filed  
NOV - 1 2004  
Board of Nursing

In The Matter Of

**ELIZABETH TISZAVARY**

**CASE NO. 02-410-0**

**RN LICENSE NO. 14-059496-062**

**ARNP LICENSE NO. 54- 55102-062**

**CRNA LICENSE NO. 44- 55102-062**

**CONSENT AGREEMENT TO REINSTATE RN LICENSE AND IMMEDIATELY SUSPEND WITH A STAY AND LIMIT, DENIAL OF ARNP AND CRNA LICENSES AND FINAL ORDER**

NOW ON THIS 27<sup>th</sup> day of October, 2004, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Elizabeth Tiszavary, enter into the following agreement:

1. Respondent has submitted an application for a reinstatement of her RN, ARNP, and CRNA, licenses received by the Board 3/17/2004.
2. The Board issued a Summary Denial of a license for RN, ARNP, and CRNA on 7/14/2004. The applicant filed a timely appeal.
3. Respondent's address of record is 704 S. 29<sup>th</sup> St., Lincoln, Nebraska 68510-1415.
4. 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(a) is established.

**AGREED FINDINGS OF FACT**

5. Licensee has had two KSBN cases: 92-075-0 references a discipline in Missouri for drug use on 3/23/92. The Missouri records show in 2/91 as CRNA she dozed off during surgery, on Valium. On 8/26/91 dozed off at work as CRNA, had taken a sleeping pill. On 10/9/92 she was found unconscious, cyanotic in hospital bathroom with an empty syringe of Sufentanil in her right hand. For Kansas, she entered an agreement with the KSBN, this case was inactivated in 1992.

However, in Missouri, on 1/24/95 her Missouri probation was extended two more years for diversion. On 6/14/95 while on probation with the Missouri Board of Nursing in which she had a narcotic key restriction, she was terminated at her employment for stealing a syringe of Sufenta a controlled substance, and refused a urine drug screen test. On 4/18/96 her Missouri license was revoked for this incident.

6. KSBN case 96-0567-0 notes that applicant was on probation with the Nursing Board in Nebraska, she violated the Nebraska probation April 1997; she became inactive for a time in Nebraska.

7. In 10/96 her Nebraska nursing license was reinstated and she was placed on probation, for 5 years, [REDACTED]

[REDACTED] to be employed under supervision of an RN, no home health or temporary staffing agencies. She was to have no access to controlled substances for the first two years of probation, in the third year she could have access to narcotics under direct RN supervision. She was to have quarterly reports from her employer. On 4/25/97 while under probation with the Nebraska nursing board, licensee had a positive urine drug screen for marijuana. On 12/5/97 the Nebraska board extended her probation time. She remains on probation in Nebraska.

8. Applicant allowed her Kansas licenses to lapse on 6/30/1996.

9. On 8/9/02 she applied for reinstatement in Kansas of her RN, ARNP and CRNA licenses, certified copies of records from Nebraska were not provided.

10. On 12/20/2002 the applicant negotiated a Diversion Agreement with the Kansas Board for a limited license, solely to enroll in the CRNA Refresher program at the KU Medical Center. An active license was a requirement of the school. The license was granted with the limitation that "such license has been issued for the sole purpose of her participation in the CRNA Refresher Program at the University of Kansas and shall not be used to seek any other employment." The

license expired at the end of the CRNA Refresher course, in September 2003. Licensee returned the licenses to the board in January 2004.

11. On 12/19/03 the Nebraska Board denied the applicant certification as a CRNA. The Nebraska board order (attached and incorporated within) allows her to become certified as a Registered Nurse Anesthetist on probation for two additional years under supervision of an MD Anesthesiologist after successful completion of her third year as an RN.

12. With the reinstatement application the respondent provided evidence that she completed a CRNA Refresher Course at the KU Med Center; [REDACTED] provided reference letters indicating that she has maintained sobriety for the last few years. The Nebraska impairment program reports that she is compliant with their program. She is currently employed in Nebraska as an RN. The violations regarding unprofessional conduct for drug diversion and impairment pertain to her **past** history of repeated relapses.

#### **CONCLUSIONS OF LAW**

13. Respondent has violated the Kansas Nurse Practice Act as follows:

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

(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.

14. Respondent violated the Kansas Nurse Practice Act as described above.

#### **POLICY STATEMENT**

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

#### **DISPOSITION**

16. 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(b) and K.S.A.77-501 *et seq.* and to judicial review.

17. Based upon this agreement, and pursuant to the disciplinary remedies available in

K.S.A. 65-1120, the parties agree that the ARNP AND CRNA licenses remain denied. The RN license will be reinstated and immediately **suspended** but such **suspension shall be stayed** and respondent will be allowed to practice under the Nebraska conditions and **limitations**:

(a.) The Licensee shall follow all provisions of the May 21, 2004 Nebraska Board of Nursing Order the order describes her probation requirements and all requirements are included within this Order, these conditions are:

(b) she is to complete her third year of probation by working as an RN for one more year. She is to be under **the supervision of another RN who will submit quarterly reports to the Nebraska board,**

(c) She is to remain compliant with the **Relapse Prevention Program** operated by the Nebraska Board of Nursing.

(d) She may **not work in home health or for temporary staffing agency.**

18. In addition to compliance with the Nebraska terms, she agrees to additional terms for her Kansas license. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the license card will be issued with an “**S**” for suspended and an “**L**” for limitations. The RN license will be **suspended with a stay and limited**, she will be allowed to practice under the following additional conditions:

(a) Licensee shall send a **money order for \$70** to the Board upon entering into this agreement.

(b) Licensee will **not work any home health, or agency** per her Nebraska requirements plus **no private duty** nursing as a Kansas limitation.

(c) The licensee will remain compliant with the a nurse assistance program in Nebraska, and if she returns to Kansas, will notify the board and enter and comply with the Kansas Nurse Assistance Program (KNAP).

(d) The licensee will have **copies of all reports** and evaluations sent to the Nebraska Board of Nursing sent also to the Kansas Board of Nursing until the end of her probation period. These reports and evaluations shall be sent to the attention of the Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, Kansas 66612-1230.

(e) Licensee shall inform Nebraska and Kansas employers of her limitations and provide the Kansas employers copies of this agreement.

(f) Licensee shall report in writing to the KSBN legal division within 10 working days if she is out of compliance with her Nebraska Board of Nursing probation requirements.

(g) Respondent shall execute any release or provide any other authorization necessary for the Board to obtain records of respondent's employment during the period covered by this agreement.

(h) Respondent shall keep the Kansas State Board of Nursing informed of her present address and current place of employment or of any changes in her place of employment by notifying the Legal Division of Board in writing within ten (10) working days of such a change.

(i) Any relapse by the licensee to any form of drug or alcohol will result in a motion to lift the stay and to revoke her license. She will have notice and a hearing before action is taken pursuant to the Kansas Administrative Procedures Act.

19. This Consent Agreement will be subject to and governed by the State of Kansas.

20. Respondent acknowledges and agrees that neither this Consent Agreement or the Final Order are intended to be , nor will they operate as, a waiver or estoppel of the Board's right to take action against respondent for any act or omission not specifically made a part of this agreement, and that nothing in this Consent Agreement and Final Order shall be construed to deny the Board jurisdiction to investigate and prosecute other alleged violations of the Nurse

Practice Act regardless of when they occur(ed) or when called to the attention of the Board. Respondent acknowledges that each and every term and condition imposed herein is mandatory and that she is required to comply with each and every one. An express or implied waiver of one or more conditions shall not operate as a waiver of any other, nor constitute an estoppel or bar to the enforcement of any other term or condition of this Consent Agreement.

21. Licensee is responsible for the costs related to satisfying these conditions.

22. If licensee does not meet these requirements, petitioner may request additional sanctions against licensee's license or application for a license. Licensee would be sent notice of such action and would be entitled to a hearing as to whether he/she had complied with this agreement, but he/ she could not contest the established violation(s).

23. The parties understand and acknowledge that this is a disciplinary action; it will be in the newsletter, reported to the health practitioner's data bank and on the website. The original of this agreement shall be placed in the Agency Record and is a public record.

24. The respondent will need to reapply for licensure as an ARNP and/or CRNA in Kansas after successful completion of the third (current and last) year of working as an RN under the above conditions. The waiver of rights to an adjudicative hearing asserted in paragraph 16 does not apply to any subsequent applications for future licenses.

25. By signing this Consent Agreement, respondent acknowledges that she 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 approved by all parties.

#### **IN CONCLUSION**

26. This case will be **inactivated** and a card with no limitations will be issued when:

- (a) KNAP or an impaired provider program from another state provides a letter of successful completion of their program and further states that she is safe to practice nursing, **and**
- (b) Licensee provides documentation probationary requirements of Nebraska State Board of Nursing are fulfilled, **and**
- (c) Licensee provides documentation that the Nebraska State Board of Nursing no longer has any restrictions on her RN license.
- (d) Cost of **\$70** is paid.
- (e) No further violations of the Nurse Practice Act are reported.

27. Once all of the above are met the licensee may request that a new card with no limitations be issued by sending the request in writing and returning the license card with the " S, L" to the Board, if all requirements are met a new card will be issued with no limitations.

**IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO REINSTATE RN LICENSE AND IMMEDIATELY SUSPEND WITH A STAY AND LIMIT, DENIAL OF ARNP AND CRNA LICENSES AND FINAL ORDER.**

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Elizabeth Tiszavary  
704 South 29<sup>th</sup> St.  
Lincoln, NE 68510

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Betty Wright, #14785  
Assistant Attorney General  
900 SW Jackson, Suite 1051  
Topeka, Kansas 66612-1230  
(785) 296-4325

**IT IS SO ORDERED.**

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Terry Beck  
Hearing Officer

**CERTIFICATE OF SERVICE**

On the <sup>16<sup>th</sup></sup>~~2<sup>nd</sup>~~ day of *November*, 2004, I caused a copy of this document to be mailed, postage prepaid, to :

Elizabeth Tiszavary  
704 South 29<sup>th</sup> St.  
Lincoln, NE 68510

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Betty Wright, Assistant Attorney General