

BEFORE THE KANSAS STATE BOARD OF NURSING

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

Filed
JUL 21 2004
Board of Nursing

IN THE MATTER OF
SHARI LONG
RN LICENSE NO. 14-74124-031
ARNP License No 54-64056-031

CASE NO. 03-462-7, 03-481-7

CONSENT AGREEMENT TO LIMIT LICENSE AND FINAL ORDER

NOW ON THIS 13 day of July, 2004, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Shari Long, enter into the following agreement:

1. Respondent is licensed to practice nursing in Kansas as a Registered Nurse until 3/31/2005.
2. Respondent's address of record is P O Box 1281, Cheyenne, Wyoming 82003.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act and referred this matter for further proceedings.
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

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5. In February 2003 respondent voluntarily entered the [REDACTED] program due to the admission that licensee had written prescriptions for herself for Soma using her children's and sister's names and a doctor's DEA number. On 7/31/03 [REDACTED] found she had a positive UDS for Ultram, an opiate, and did not provide a prescription to [REDACTED] when it was requested. [REDACTED] closed her case and found her unsafe to practice nursing.

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6. On or about 8/2/03 while employed through a staffing agency as a nurse at Meadowbrook Rehabilitation Hospital, Gardner, Kansas the respondent had 5 vials of injectable Ativan, a narcotic, in her pocket. She handed them to the other nurse on the floor after it was noticed that the vials were missing. Licensee agrees that this was poor procedure though taking shortcuts by not documenting properly that she had the vials, but had planned to administer these doses to patients involved; she was not intending to use or to steal this drug.

CONCLUSIONS OF LAW

7. 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)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

(c) K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d);

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

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.

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

POLICY STATEMENT

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

DISPOSITION

11. 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.

12. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the license card will be issued with an "L"; the license will be **limited** and respondent will be allowed to practice under the following conditions:

a. If the licensee returns to Kansas she shall notify the legal division of the board and participate in and complete the recommendations and requirements of the **Kansas Nurses Assistance Program (KNAP)**; sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report information to the board. If she is licensed in any other state, she enter and participate in the impaired provider program in that state within 30 days of entering the state and becoming licensed there.

b. ~~Licensee shall send a money order for \$70 to the Board upon entering into this agreement.~~ — *fee waived. J & BW*

c. Licensee will **not** work any **home health, agency or private duty nursing**.

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

14. 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).

15. Licensee agrees to notify the Legal Division of any changes in his/her address and phone number as well as all nursing employment terminations or employer changes or additions. All such notifications shall be made within fourteen (14) days of such a change.

16. Licensee shall immediately notify the Legal Division of any use of alcohol, or controlled substances, or any violation of this Consent Agreement and Final Order.

17. The Board will inactivate this case file once licensee satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against licensee's license for any additional or cumulative violation of the Nurse Practice Act committed by the licensee before or after this agreement is entered into.

18. The parties understand and acknowledge that this is a disciplinary action; it will be in the newsletter and on the website. The original of this agreement shall be placed in the Agency Record and is a public record.

19. By signing this Consent Agreement, respondent acknowledges that he/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

20. 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.
- b) cost of \$70 is paid. *waived - How*
- c) No further violations of the Nurse Practice Act are reported.

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 "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 TO LIMIT

LICENSE AND FINAL ORDER.

Shari Long

Note: KS license card has been misplaced due to move. JL

P O Box 1281
Cheyenne, Wyoming 82003



State of Wyoming)
County of Laramie) SS
Subscribed to before me by Shari Long on 7-13, 2004.
(seal)

Signature of Notary Public

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

IT IS SO ORDERED.

Terry Beck
Hearing Officer

CERTIFICATE OF SERVICE

On the 23rd day of July, 2004, I caused a copy of this document to be mailed, postage prepaid, to :

Shari Long
P O Box 1281
Cheyenne, Wyoming 82003

Betty Wright, Assistant Attorney General