

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED
JUN 28 2006

KSBN

**IN THE MATTER OF
DONNA L. SUTHERLAND
License No. 14-087289-022**

Case No. 03-110-7

CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER

NOW ON THIS 25th day of June, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Licensee, Donna L. Sutherland, 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

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee entered a consent agreement with the Kansas State Board of Nursing (Board) on 11/19/2004. Licensee's license to practice nursing in Kansas as a registered nurse lapsed on 2/28/2006. The Kansas State Board of Nursing (Board) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is 6728 Melrose Lane, Shawnee Mission, KS 66203.
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(a) is established.
4. The Board has requested that a petition be filed to take disciplinary action against the licensee's license.

5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).

6. Licensee has the right to these hearings and the right to seek review of the findings from the hearings in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Licensee is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

7. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.

8. (a) On or about 1/4/02 the licensee was referred to the [REDACTED] [REDACTED] by her employer for alcohol abuse, she relapsed to alcohol on 2/25/03. [REDACTED]

[REDACTED] On 1/21/04 licensee was terminated from her employment as a nurse at Overland Park Regional Medial Center, Overland Park, Kansas due to alcohol abuse. She was noncompliant with [REDACTED] due to relapses to alcohol on 10/2/03 and 1/15/04.

(b) Licensee stated she had a DUI in 1997 in Nevada, but she was unable to obtain certified court records. She was on probation for child abandonment in Johnson County, Kansas District Court Case Number 02CR3069. She had gone out drinking and her children were outside the house. Her diversion in this case was revoked May 2003 due to alcohol relapse in 2/03.

(c) After the January 2004 relapse, [REDACTED] sent licensee for an [REDACTED] [REDACTED] and also suspended her from practice until 2005.

(d) On 11/19/2004 licensee entered a Consent Agreement with the Board. Pursuant to the Consent agreement licensee's license was suspended pending a letter from [REDACTED] stating licensee was safe to practice. On 2/1/2005 [REDACTED] issued a statement that licensee was safe to practice and the suspension on licensee's license was stayed effective 2/25/2005.

(e) On 9/23/2005 [REDACTED] received a UDS showing the licensee to be positive for cocaine in violation of her [REDACTED] contract. A request for and emergency proceeding to lift the stay of suspension on licensee's license was filed. On 11/9/2005 a default order was entered lifting the stay of suspension.

(f) On 11/28/2005 the Board received a letter date 11/25/2005 from the licensee. In the letter licensee advised that she wished to surrender her license to practice nursing in Kansas.

CONCLUSIONS OF LAW

9. 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.

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

(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)(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

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

DISPOSITION

12. Licensee is surrendering licensee's license to practice nursing in Kansas.

13. Upon signing this agreement and returning it to the Board, licensee shall return licensee's license card with the agreement. Licensee shall not practice nursing in Kansas.

14. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document

shall be kept in the Board's agency file and its contents may be disclosed to the public upon request.

15. If licensee does seek reinstatement of licensee's license, the agreed facts are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

16. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER.

IT IS SO ORDERED.

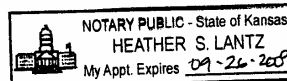
Donna L. Sutherland must sign before a Notary Public.

Donna L. Sutherland
Licensee
6728 Melrose Lane
Shawnee Mission, KS 66203

State of Kansas, County of JOHNSON ss.

SUBSCRIBED AND SWORN TO before, me by Donna L. Sutherland

on this 21st day of JUNE, 2006.



Signature of Notary Public

My Commission Expires 09-26-2009
(Notary Public Seal)

Mark A. Knight, #12783
Assistant Attorney General
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230

Terry E. Beck, Presiding Officer

CERTIFICATE OF SERVICE

On the 29th day of June, 2006, I mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Donna L. Sutherland
6728 Melrose Lane
Shawnee Mission, KS 66203

Mark A. Knight, #12183
Assistant Attorney General