

SLS
FILED

JUL 25 2014

KSBN

FILED GRR

21 JUL 14 AM 10:08

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF**ASHLEY FLOREZ**

License No. 14-105672-071

Case No. 13-1303-0

INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE

NOW ON THIS 21ST day of July, 2014, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Licensee, Ashley Florez, and her counsel, Andrew Moskow, Sanger Law Office, 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 is licensed to practice nursing in Kansas through 7/31/2015. The Kansas State Board of Nursing (KSBN) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is 10808 E. 59th St., Raytown, Mo. 64133.
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 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) A petition was filed 3/18/2014 to take disciplinary action against the licensee's license. Licensee was pulled over on 9/4/2012 in South Dakota and charged with three counts of possession of a controlled substance and one count of possession of marijuana. Licensee pled to one count of possession of a controlled substance and one count of Driving while Intoxicated (DWI). The court suspended imposition of sentence, placed licensee on probation for two years, she served thirty (30) days in the Minnehaha County Jail, and her driver's license was suspended.

(b) On 1/12/2013 Licensee was arrested for a second Driving while Intoxicated (DWI) in South Dakota. Licensee was convicted and sentenced on March 27, 2013 to 120 days in jail, 100 days suspended. Licensee's driver's license was revoked for one year, and fined. In 2013, Licensee renewed her Kansas and Missouri nursing licenses. The information License disclosed on the renewal applications in relation to her convictions resulted in investigations by both the Missouri and Kansas Boards of Nursing.

(c) During the investigation process, Licensee was under the assumption that a resolution to her Kansas case, which required licensure restrictions, would only apply to employment in the state of Kansas, and likewise that the resolution of her Missouri case would only apply to employment in the state of Missouri.

(d) During negotiations with the Missouri and Kansas Boards of Nursing, Licensee was arranging a resolution in Missouri that would permit her to continue working at North

Kansas City Hospital, Missouri. Prior to reaching that agreement, Licensee entered into a Diversion Agreement with the Kansas Board on February 24, 2014. After entering the Kansas agreement and being referred to its impaired provider program, KNAP, Licensee was informed that KNAP's requirements applied to her employment in the state of Kansas and applied to her employment in the state of Missouri as well. At that point, Ms. Florez decided she would not comply with the Diversion Agreement because it would require her to be terminated from North Kansas City Hospital, and it would therefore contradict the agreement she was negotiating with the Missouri State Board of Nursing.

(e) As of June 6, 2014, Ms. Florez entered into a Settlement Agreement with the Missouri State Board of Nursing. The Missouri Settlement Agreement allows her to remain employed at North Kansas City Hospital.

(f) The Kansas Board cannot monitor or enforce licensee's Settlement Agreement with the Missouri State Board of Nursing and licensee has chosen not to comply with the Kansas Diversion Agreement, the Kansas Board will accept the surrender/revocation of licensee's Kansas nursing license.

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:

Count 1: 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 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 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.

Count 3: K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust....

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

POLICY STATEMENT

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

DISPOSITION

12. Based upon this Initial Agreed Order to Surrender and Revoke (Agreement), the parties agree that Licensee is surrendering licensee's license to practice nursing in the state of Kansas.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Licensee's license to practice nursing in Kansas is immediately revoked. Licensee shall not practice nursing in the state of Kansas.

14. Upon signing this agreement and returning it to the Board, licensee shall return any license cards in her possession with the agreement.

15. 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. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Initial Agreed Order to Surrender and Revoke is the date shown on the certificate of service.

16. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, licensee has waived the right to a hearing on the facts in this matter,

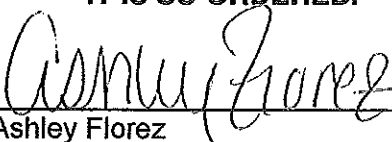
however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

17. 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.


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


IN WITNESS WHEREOF, the parties hereto execute this INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE.

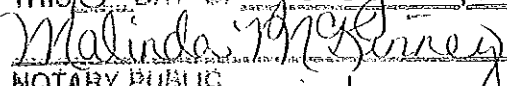
IT IS SO ORDERED.

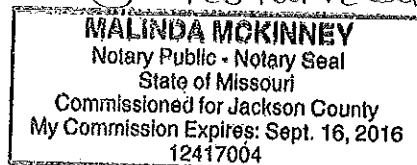

Ashley Florez
Respondent
10808 E. 59th St.
Raytown, Mo. 64133

Ashley Florez must sign before a Notary Public.


Andrew Moskow, #26110
Attorney for Respondent
Sanger Law Office
5040 Bob Billings Parkway, Suite C-1
Lawrence, Kansas 66049


Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

SUBSCRIBED AND SWORN, BEFORE ME
THIS 5th DAY OF July, 2014

NOTARY PUBLIC
Ashley's signature only
notarized




Sandra Sharon, Presiding Officer

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed with 15 days from the date this initial order was served. Failure to timely request a reconsideration by the Kansas State Board of Nursing may preclude further judicial review. The petition for reconsideration shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, 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 reconsideration is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 25th day of July, 2014, I mailed a copy of this INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE to:

Ashley Florez
10808 E. 59th St.
Raytown, Mo. 64133

Andrew Moskow
Sanger Law Office
5040 Bob Billings Parkway, Suite C-1
Lawrence, Kansas 66049



Alma A. Heckler, #11555
Assistant Attorney General