

NOV 18 2005

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSINGLandon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230**IN THE MATTER OF
SUSAN R. GALBRAITH
LICENSE NO. 14-042466-042****Case No. 02-586-6****CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER**

NOW ON THIS 2nd day of November, 2005, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Susan R. Galbraith, enter into the following agreement:

1. Respondent is licensed to practice nursing in Kansas 4/30/2006.
2. Respondent's address of record is 1209 N. State, Eureka, KS 67045.
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. Respondent has the right to a hearing with evidence and witnesses to establish evidence of his/her fitness to practice nursing 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 and the Kansas State Board of Nursing are waiving those rights and voluntarily entering into this consent agreement instead of proceeding to such a hearing.

AGREED FINDINGS OF FACT

5. On or about 10/3/02 licensee diverted a box containing 25 ampules of Demerol from the clinic where she was employed. Licensee admitted to injecting herself with Demerol. She followed treatment recommendations and went for addiction treatment to the Hazelton Foundation, Center City, Minnesota.
6. The licensee enrolled in the Kansas Nurse Assistance Program 11/2/2002.
7. The KNAP program notified the board of a relapse by the licensee on 12/31/2002 to

propoxyphene (Darvocet) and Percocet.

8. On February 19, 2004 the licensee signed a Diversion Agreement with the Board in order to resolve the above case. The Diversion Agreement is attached and included herein.

Paragraph 6 (a) of the agreement stated that the licensee would satisfactorily complete the KNAP program.

9. The licensee violated the Diversion Agreement in May 2005 by relapsing to oxycontin. Licensee admitted that she had used oxycontin, a mild altering drug that she was not prescribed, and that she had gotten the oxycontin from a friend. On May 10, 2005 the KNAP program notified the Board that the licensee had relapsed, after the licensee reported to KNAP that she had taken an oxycontin and entered treatment on her own accord at Halstead Valley Hope. KNAP reported that the licensee was not employed as nurse in May 2005.

10. The licensee signed a Consent Agreement to Suspend License with a Stay and Final Order September 8, 2005. She agreed to participate and complete the requirements of the Kansas Nurses Assistance Program (KNAP).

11. KNAP reports that licensee was again noncompliant with their program by recently admitted to diverting medications from her job in September 2005. KNAP directed her to suspend her practice on 10/10/2005 and advised that she not attempt to practice nursing for at least two years. She agreed that she would surrender her license.

CONCLUSIONS OF LAW

12. Respondent has violated the Kansas Nurse Practice Act at the following:

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: (a) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board; by K.A.R. 60-3-110(n) diverting drugs, supplies, or property of any patient or agency;

Count 3: 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

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

DISPOSITION

14. Licensee is surrendering her license to practice nursing in Kansas.

15. The respondent has already returned her nursing license to the Board on 10/18/2005.

16. Upon signing this agreement respondent **shall not practice nursing in Kansas.**

17. The Board does report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on her 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.

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

19. 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

X
[Redacted Signature]
Susan R. Gaidrahn
Licensee
1209 N. State St.
Eureka, K S 67045

[Redacted Signature]
Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-7047

IT IS SO ORDERED.


[Redacted Signature]

Terry Beck
Hearing Officer

CERTIFICATE OF SERVICE

On the 21st day of November, 2005, I deposited a copy of this order with the United States Postal Service, postage pre-paid, addressed to:

Susan R. Galbraith
1209 N. State
Eureka, KS 67045


Betty Wright, Assistant Attorney General
Kansas State Board of Nursing
900 S. W. Jackson, Ste. 1051
Topeka, Ks 66612-1230
(785) 296-7047

Filed

SEP 09 2005

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
SUSAN R. GALBRAITH
LICENSE NO. 14-042466-042**

Case No. 02-586-6

CONSENT AGREEMENT TO SUSPEND LICENSE WITH A STAY AND FINAL ORDER

NOW ON THIS 8th day of September, 2005, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Susan R. Galbraith, enter into the following agreement:

1. Respondent is licensed to practice nursing in Kansas 4/30/2006.
2. Respondent's address of record is 1209 N. State, Eureka, KS 67045.
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. Respondent has the right to a hearing with evidence and witnesses to establish evidence of his/her fitness to practice nursing 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 and the Kansas State Board of Nursing are waiving those rights and voluntarily entering into this consent agreement instead of proceeding to such a hearing.

AGREED FINDINGS OF FACT

5. On or about 10/3/02 licensee diverted a box containing 25 ampules of Demerol from the clinic where she was employed. Licensee admitted to injecting herself with Demerol. She followed treatment recommendations and went for addiction treatment to the Hazelton Foundation, Center City, Minnesota.
6. The licensee enrolled in the Kansas Nurse Assistance Program 11/2/2002.

7. The KNAP program notified the board of a relapse by the licensee on 12/31/2002 to propoxyphene (Darvocet) and Percocet.

8. On February 19, 2004 the licensee signed a Diversion Agreement with the Board in order to resolve the above case. The Diversion Agreement is attached and included herein. Paragraph 6 (a) of the agreement stated that the licensee would satisfactorily complete the KNAP program.

9. The licensee violated the Diversion Agreement in May 2005 by relapsing to oxycontin. Licensee admitted that she had used oxycontin, a mild altering drug that she was not prescribed, and that she had gotten the oxycontin from a friend. On May 10, 2005 the KNAP program notified the Board that the licensee had relapsed, after the licensee reported to KNAP that she had taken an oxycontin and entered treatment on her own accord at Halstead Valley Hope. KNAP reported that the licensee was not employed as nurse in May 2005.

10. KNAP reports that she is currently compliant with their program. KNAP has extended her program to May 2008 and imposed a narcotic key restriction for one year.

CONCLUSIONS OF LAW

11. Respondent has violated the Kansas Nurse Practice Act at the following:

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: (a) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board; by K.A.R. 60-3-110(n) diverting drugs, supplies, or property of any patient or agency;

Count 3: 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

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

DISPOSITION

13. 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.

14. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the current license will be immediately **suspended** but such **suspension shall be stayed** and respondent will be allowed to practice under the following conditions:

a. Licensee shall 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.

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

c. Licensee will return his nursing license card with this agreement, and a new one will be issued with an S to indicate a Suspension with a Stay.

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

15. If licensee does not meet these requirements, petitioner will file a motion to lift the stay and 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).

16. Licensee agrees to notify the Legal Division of any changes in 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.

17. 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.

18. **The Board will inactivate this case file when KNAP sends a letter stating she has successfully completed the KNAP program.** 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.

19. 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.

20. 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

21. This case will be inactivated and a card with no suspension will be issued when:

- a) KNAP issues a letter of successful completion of the KNAP program.
- b) cost of \$70 is paid.

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


IN WITNESS WHEREOF, the parties hereto execute this Consent Agreement to Suspend License with a Stay and Final Order.


 h
Susan R. Galbraith
Licensee

1209 N. State St.
Eureka, K S 67045

Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-7047


IT IS SO ORDERED.


Terry Beck
Hearing Officer

CERTIFICATE OF SERVICE

On the 9th day of SEPTEMBER, 2005, I deposited a copy of this order with the United States Postal Service, postage pre-paid, addressed to:

Susan R. Galbraith
1209 N. State
Eureka, KS 67045


Betty Wright, Assistant Attorney General
Kansas State Board of Nursing
900 S. W. Jackson, Ste. 1051
Topeka, Ks 66612-1230
(785) 296-7047