

Rex G. Beasley #08777  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson, Suite 551-S  
Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING  
LANDON STATE OFFICE BUILDING  
900 S.W. JACKSON, #551-S  
TOPEKA, KANSAS 66612-1230  
785 296-8401



IN THE MATTER )  
 )  
OF )  
 )  
JOANN M. HOSKINS )  
LICENSE 14-051060-072 )

Case Nos: 98-0642-7  
97-0118-7

**FINAL ORDER**

ON THE 28th day of December, 1998 this matter came on for hearing before Terry E. Beck the Board's designated Hearing Officer. The Respondent did not appear but had previously consented to the entry of this order. The Kansas State Board of Nursing appeared by and through Assistant Attorney General Rex G. Beasley, Disciplinary Counsel for the Board.

THEREUPON the parties announced that they have entered into a Consent Agreement which is attached hereto. The parties requested that the consent agreement be approved and that this Final Order be entered.

THEREUPON the Hearing officer made the following fact, and conclusions of law, and entered the following Final Order:

1. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter.

2. Respondent was licensed to practice as a registered professional nurse (R.N.) in the State of Kansas, having been issued license number 14-051060-072 with an expiration date of July 31, 1998. Prior to the expiration of her license, the Board was preparing to discipline Respondent in case number 97-0118-7 for being unable to practice nursing with skill and safety because of Respondent's current use of drugs or alcohol in violation of Kansas Nurse Practice Act K. S. A. 65-1120(a)(4), and for failing to remain compliant with the requirements of the Kansas Nurses Assistance Program. Because Respondent allowed her license to lapse the Board inactivated the prior case. Respondent submitted a reinstatement application to the Kansas State Board of Nursing seeking re-licensure in Kansas.. The Board conducted an investigation into whether Respondent should be licensed in the State of Kansas. The Board's investigation disclosed that Respondent was unable to practice nursing with skill and safety because of Respondent's current use of drugs or alcohol, including marijuana and cocaine violation of Kansas Nurse Practice Act K. S. A. 65-1120(a)(4), and that Respondent failed to remain compliant with the requirements of the Kansas Nurses Assistance Program. The investigation also revealed that Respondent has just completed what has been described as an intensive, inpatient treatment program and claims to be drug free and able to avoid any further relapses. The Board is willing to give Respondent one final chance. Respondent understands that this is her last and final chance.

3. Respondent has been unable to practice nursing with skill and safety because of her use of drugs or alcohol, including marijuana and cocaine violation of Kansas Nurse Practice Act K. S. A. 65-1120(a)(4), and that Respondent failed to remain compliant with the requirements of the Kansas Nurses Assistance Program because of relapses, poor attendance and other violations of the program.

4. Respondent is aware she has the burden of proof and that she also has certain rights in these matters which may include the right to a formal hearing; the right to see and hear the evidence against her and to cross-examine witnesses against her; the right to present witnesses and evidence on her behalf; and the right to seek reconsideration, review or appeal of the findings from the hearing in this matter. Respondent knowingly and intelligently waived her rights and entered into the Consent Agreement and consented to this Final Order to resolve these matters instead of proceeding to hearing.

5. By entering into the Consent Agreement and consenting to the entry of this Final Order, both parties waived their right to full administrative proceedings pursuant to K.S.A. 65-1120(b) and K.S.A. 77-5501 *et seq.* and to judicial review.

6. Based upon the Respondent's claim that she has been rehabilitated and also on the stipulations and commitments of Respondent in the Consent Agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, and the parties' agreement the Respondent shall be granted a license until July 31, 2000 which shall then be immediately **suspended** through the period of licensure. The suspension shall be stayed, allowing the Respondent to practice nursing under the following terms and conditions:

(a) Within 60 days, Respondent shall provide the Board with the evidence of a current evaluation for addictive behavior from a health care provider approved in advance by the Board's Practice Specialist. Respondent shall fully cooperate with the evaluation and provide a full and honest history. Respondent shall follow and successfully complete any treatment or counseling recommended. In the event the evaluation reveals that Respondent is currently addicted or does not otherwise have her addiction fully under control Respondent's license shall be revoked and Respondent shall surrender her license

and consent to a Final Order revoking the license. Respondent shall provide the Board with copies of any future evaluations, and shall undergo any further evaluations requested by the Board. Respondent will advise the Board of the date of all evaluations and the name and address of the person doing the evaluation. Said notice will be given to the Board within 48 hours of the evaluation. Reports will be provided to the Board within 14 days of each evaluation.

(b) Within 14 days of the receipt of her license Respondent shall enroll in the Kansas Nurse Assistance Program. Respondent's shall comply with and remain compliant with all the recommendations and requirements of the program. It is the Respondent's obligation to enroll and meet all the requirements of the program. Respondent shall follow and successfully complete any treatment or counseling recommended.

(c) Respondent shall submit to random drug screens as determined or selected by the Board or by the Kansas Nurse Assistance Program. The costs of the drug screens shall be paid by the Respondent. The drug screens must be random and meet all criteria established by the Board. The drug screens will be at least quarterly and may be more frequent as determined by the Kansas Nurses Assistance Program or the Board. The Board may select and approve the collector. The results of any drug screen specifically requested by the Board shall be sent directly to the Board. A positive drug screen shall be deemed a violation of the Consent Agreement and this Final Order. Using products containing alcohol, poppy seeds or hemp shall not constitute an acceptable reason for having a positive drug screen. A urine specimen which is improperly given or with a creatinine of less than 20 mg/dl or which otherwise indicates that the specimen is diluted shall be deemed to be a positive drug screen.

(d) Respondent shall immediately inform all nursing employers, prospective nursing employers, and the director of any nursing education program in which she enrolls or teaches, of the Consent Agreement and this Final Order. Within 14 days of the Consent Agreement, and within 14 days of any change of employment Respondent shall cause her employer to notify the Board in writing of the employer's receipt of copies of the Consent Agreement and this Final Order. Within 14 days of the Consent Agreement, and within 14 days of any change of employment Respondent shall cause her employer to notify the Board in writing of the employer's receipt of copies of the Consent Agreement and this Final Order. If Respondent accepts employment with a nursing registry, a temporary nursing service or agency, she shall inform all persons for whom she provides nursing services of the Consent Agreement and this Final Order and cause them to notify the Board in writing of their receipt of copies of the Consent Agreement and this Final Order within 14 as provided above. Respondent shall also cause her nursing employer(s) to provide quarterly reports for the period of her licensure. The reports shall be prepared by Respondent's immediate supervisor or by an R.N. who evaluates her performance on a regular basis. Such reports shall include information regarding attendance, performance and documentation. The quarterly reports shall be due, January 20, 1999, April 20, 1999, July 20, 1999, September 20, 1999, January 20, 2000, April 20, 2000, and July 20, 2000. If Respondent is not employed as a nurse for a period of time included in this schedule she shall immediately inform the Board. Respondent's employer may submit copies of employee evaluations conducted during a quarter in lieu of a report for that quarter. These reports or evaluations shall be sent by the employer or person conducting the evaluation to the attention of the Board's Practice Specialist, Kansas State Board of

Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 551-S, Topeka, Kansas 66612-1230.

(e) Respondent must abstain from the use of all alcohol and controlled substances except as prescribed for her, for a legitimate purpose, by a licensed medical provider from whom she seeks medical attention. Respondent shall inform all providers who authorize prescriptions for narcotics, psychotropic medicines, or other mood altering drugs, or other pain relief for her of her dependency on controlled substances, and Respondent shall cause all such providers to submit written reports within ten (10) days of each prescription to the Board. The written reports shall identify the medication prescribed, the reason for the prescription, the dosage, the date of prescription, and the number of refills authorized. Respondent agrees that if she accepts a prescription for narcotics, psychotropic medicines, or other mood altering drugs, that the Board may impose additional requirements or terms.

(f) In addition, upon request the Respondent shall provide the Board with any release necessary to confirm that Respondent remains alcohol and drug free. The revocation of any release will be a breach of the Consent Agreement and this Final Order.

(g) Respondent shall notify the Board's Practice Specialist of the name of her employer and immediate supervisor within 14 days from the signing of the Consent Agreement and within 14 days of any change of employment or change in immediate supervisor.

(h) Respondent shall notify the Board's Practice Specialist of any changes in her name, address, and phone number as well as all employment terminations or employer

changes or additions. All such notifications shall be made within 14 days of such a change.

(i) Respondent shall not, under any circumstances, misrepresent her licensure status.

(j) Respondent shall report in person for appointment with the Board staff upon request.

(k) Respondent shall comply with all laws and regulations governing the practice of nursing.

(l) Respondent shall regularly attend AA and NA meetings and shall also participate in an a structured aftercare program if recommended or required by any health care provider or the Kansas Nurses Assistance Program.

(m) Respondent shall immediately notify the Board of any use of alcohol or controlled substances.

(n) Respondent shall receive a license card which shall be issued with an "S" and an "L" placed in the status code portion of the license card to indicate that action has been taken against her license.

(o) Respondent shall not handle or administer narcotics, psychotropic medications, or other mood altering drugs, nor shall Respondent carry keys for, or have access to, storage areas where such substances are stored or kept, nor shall she be involved with retrieval of, or assist in the retrieval, of such substances from the pharmacy, nor shall she participate, directly, indirectly, or as a witness, in the destruction or wasting of such substances. Respondent shall not write out or call in any prescriptions for narcotics, psychotropic medications or mood altering drugs.

7. Any further use of alcohol or drugs by Respondent except as specifically allowed in the Consent Agreement and this Final Order, and any other violation of the Kansas Nurse Practice Act will not only be a violation of the Consent Agreement and this Final Order but also independent grounds for additional discipline pursuant to K.S.A. 65-1120, and may, at the sole discretion of the Board, constitute conclusive and irrefutable proof that Respondent should not be licensed to practice nursing, and will justify immediate action to revoke or suspend her license to practice nursing. Within 48 hours of any request, Respondent shall surrender her license to the Board if the Board, after any investigation, determines that Respondent has violated the terms and conditions of the Consent Agreement or this Final Order. If Respondent fails to surrender her license to the Board within 48 hours of a request as provided above, the Board will be authorized and justified in taking emergency action against her pursuant to K.S.A. 77-537. Furthermore, in the event the Board should move for an order lifting the stay the only issue will be whether Respondent has strictly complied with every term and condition of the Consent Agreement and this Final Order.

8. Any unsatisfactory reports from the Kansas Nurses Assistance Program, Respondent's supervisor in nursing, or any reports of a reportable incident under Risk Management Law, or a violation of the Kansas Nurse Practice Act, or failure to comply with any of the conditions of the Consent Agreement or this Final Order may, at the sole discretion of the Board, constitute a breach of the Consent Agreement and this Final Order and may result in further proceedings against Respondent under the Kansas Administrative Procedures Act.

9. Each and every condition outlined in the Consent Agreement and this Final Order is mandatory. An express or implied waiver of one or more conditions of the Consent Agreement or



this Final Order but the Board 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 the Consent Agreement or this Final Order.

10. All stipulations, agreements and admissions made in the Consent Agreement are binding upon the Respondent in the event it is necessary to hold any further hearing in these or any other proceedings.

11. This is a disciplinary action and will be reported to the National Council of State Boards of Nursing data bank. Pursuant to K.S.A. 45-215 *et seq.*, the signed original of the Consent Agreement and this Final Order shall remain in the custody of the Board as a public records.

12. In deciding to enter into this Consent Agreement the Respondent relied upon her own knowledge and judgment and did not rely on any statement, representation or promise from the Board or anyone acting on its behalf

13. The Consent Agreement will be subject to and governed by the laws of the State of Kansas.

14. Neither the Consent Agreement or this Final Order are intended to be, nor will they will 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 the Consent Agreement or this Final Order. Nothing in the Consent Agreement or this 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.

15. Respondent shall be responsible for payment of any costs associated with compliance with the Consent Agreement and this Final Order. It is Respondent's responsibility to insure that all

reports required to be submitted to the Board, including those from her employer or other third party, are submitted in a timely manner.

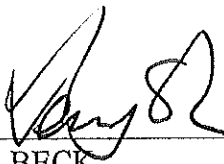
16. Respondent shall pay costs in the sum of \$35.00 Said payment shall be made to the Board in cash or money order and shall be paid within 60 days of the entry of this Final Order.

17. Nothing contained in the Consent Agreement or this Final Order will grant Respondent any right to automatic license renewal.


**IT IS THEREFORE ORDERED** that Respondent shall be granted a license until July 31, 2000 which shall then be immediately **suspended** and limited through the period of licensure. The suspension shall be stayed, allowing the Respondent to practice nursing under the terms and conditions set forth herein. Costs of the action in the sum of (\$35.00) are hereby taxed to Respondent. The costs shall be paid to the Board by cash, money order, or certified check within 60 days of the date of this Final Order.

**IT IS SO ORDERED.**

Dated this 28th day of December, 1998


  
\_\_\_\_\_  
TERRY E. BECK  
HEARING OFFICER

APPROVED:

  
\_\_\_\_\_  
JOANN M. HOSKINS  
Respondent

DATE December 22, 1998

APPROVED:

  
\_\_\_\_\_  
REX G. BEASLEY  
Assistant Attorney General  
Disciplinary Counsel

DATE December 22, 1998

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of December, 1998 I deposited a true and correct copy of the Consent Agreement and Final Order in the United States Mail, first class postage prepaid to the following:

Joann Hoskins  
9816 Lee Circle  
Leawood, Kansas 66206

and hand delivered a copy to

Rex G. Beasley  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson Suite 551-S  
Topeka, Kansas 66612-1230

  
\_\_\_\_\_  
Diane M. Glynn, J.D., R.N.  
Practice Specialist

Rex G. Beasley #08777  
Assistant Attorney General  
Kansas State Board of Nursing  
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97-0118-7

### CONSENT AGREEMENT

COME NOW the Petitioner, the Kansas State Board of Nursing, hereinafter referred to as the "Board", by and through Assistant Attorney General Rex G. Beasley, and the Respondent, Joann Hoskins personally, with the intent and purpose of settling all issues currently before the Board without the necessity of a formal hearing, and respectfully request that the Board, or its designee, approve this Consent Agreement and enter the Final Order presented herewith as the resolution in this case.

### NATURE OF THE CASE

Respondent was licensed to practice as a registered professional nurse (R.N.) in the State of Kansas, having been issued license number 14-051060-072 with an expiration date of July 31, 1998. Prior to the expiration of her license, the Board was preparing to discipline Respondent in case number 97-0118-7 for being unable to practice nursing with skill and safety because of

Respondent's current use of drugs or alcohol in violation of Kansas Nurse Practice Act K. S. A. 65-1120(a)(4), and for failing to remain compliant with the requirements of the Kansas Nurses Assistance Program. Because Respondent allowed her license to lapse the Board inactivated the prior case. Respondent submitted a reinstatement application to the Kansas State Board of Nursing seeking re-licensure in Kansas.. The Board conducted an investigation into whether Respondent should be licensed in the State of Kansas. The Board's investigation disclosed that Respondent was unable to practice nursing with skill and safety because of Respondent's current use of drugs or alcohol, including marijuana and cocaine violation of Kansas Nurse Practice Act K. S. A. 65-1120(a)(4), and that Respondent failed to remain compliant with the requirements of the Kansas Nurses Assistance Program. The investigation also revealed that Respondent has just completed what has been described as an intensive, inpatient treatment program and claims to be drug free and able to avoid any further relapses. The Board is willing to give Respondent one final chance. Respondent understands that this is her last and final chance.

#### **STIPULATION OF FACTS AND AGREEMENT**

In lieu of proceeding to a full administrative hearing, the parties agree to enter into and be bound by the following admissions and stipulations, and this agreement.

1. Respondent has been unable to practice nursing with skill and safety because of her use of drugs or alcohol, including marijuana and cocaine violation of Kansas Nurse Practice Act K. S. A. 65-1120(a)(4), and that Respondent failed to remain compliant with the requirements of the Kansas Nurses Assistance Program because of relapses, poor attendance and other violations of the program.

2. Respondent is aware she has the burden of proof and that she also has certain rights in these matters which may include the right to a formal hearing; the right to see and hear

the evidence against her and to cross-examine witnesses against her; the right to present witnesses and evidence on her behalf; and the right to seek reconsideration, review or appeal of the findings from the hearing in this matter. Respondent knowingly and intelligently waives, or gives up, her rights and enters into this agreement to resolve these matters instead of proceeding to hearing.

3. 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. 77-5501 *et seq.* and to judicial review.

4. Based upon the Respondent's claim that she has been rehabilitated and also on the stipulations and commitments of Respondent herein, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the Respondent should be granted a license until July 31, 2000 which should then be immediately **suspended** through the period of licensure. The parties further agree, however that the suspension should be stayed, allowing the Respondent to practice nursing under the following terms and conditions:

(a) Within 60 days, Respondent shall provide the Board with the evidence of a current evaluation for addictive behavior from a health care provider approved in advance by the Board's Practice Specialist. Respondent shall fully cooperate with the evaluation and provide a full and honest history. Respondent must follow and successfully complete any treatment or counseling recommended. In the event the evaluation reveals that Respondent is currently addicted or does not otherwise have her addiction fully under control Respondent's license shall be revoked and Respondent shall surrender her license and consent to a Final Order revoking the license. Respondent shall provide the Board with copies of any future evaluations, and shall undergo any further evaluations requested by the Board. Respondent will advise the Board of the date of all evaluations and the

name and address of the person doing the evaluation. Said notice will be given to the Board within 48 hours of the evaluation. Reports will be provided to the Board within 14 days of each evaluation.

(b) Within 14 days of the receipt of her license Respondent must enroll in the Kansas Nurse Assistance Program. Respondent's must comply with and remain compliant with all the recommendations and requirements of the program. It is the Respondent's obligation to enroll and meet all the requirements of the program. Respondent must follow and successfully complete any treatment or counseling recommended.

(c) Respondent must submit to random drug screens as determined or selected by the Board or by the Kansas Nurse Assistance Program. The costs of the drug screens will be paid by the Respondent. The drug screens must be random and meet all criteria established by the Board. The drug screens will be at least quarterly and may be more frequent as determined by the Kansas Nurses Assistance Program or the Board. The Board may select and approve the collector. The results of any drug screen specifically requested by the Board will be sent directly to the Board. A positive drug screen shall be deemed a violation of this agreement. Using products containing alcohol, poppy seeds or hemp shall not constitute an acceptable reason for having a positive drug screen. A urine specimen which is improperly given or with a creatinine of less than 20 mg/dl or which otherwise indicates that the specimen is diluted shall be deemed to be a positive drug screen.

(d) Respondent shall immediately inform all nursing employers, prospective nursing employers, and the director of any nursing education program in which she enrolls or teaches, of this Consent Agreement and the Final Order. Within 14 days of this



agreement, and within 14 days of any change of employment Respondent shall cause her employer to notify the Board in writing of the employer's receipt of copies of this agreement and the Final Order. Within 14 days of this agreement, and within 14 days of any change of employment Respondent shall cause her employer to notify the Board in writing of the employer's receipt of copies of this Consent Agreement and the Final Order. If Respondent accepts employment with a nursing registry, a temporary nursing service or agency, she shall inform all persons for whom she provides nursing services of this Consent Agreement and the Final Order and cause them to notify the Board in writing of their receipt of copies of this Consent Agreement and the Final Order within 14 as provided above. Respondent shall also cause her nursing employer(s) to provide quarterly reports for the period of her licensure. The reports shall be prepared by Respondent's immediate supervisor or by an R.N. who evaluates her performance on a regular basis. Such reports shall include information regarding attendance, performance and documentation. The quarterly reports shall be due, January 20, 1999, April 20, 1999, July 20, 1999, September 20, 1999, January 20, 2000, April 20, 2000, and July 20, 2000. If Respondent is not employed as a nurse for a period of time included in this schedule she shall immediately inform the Board. Respondent's employer may submit copies of employee evaluations conducted during a quarter in lieu of a report for that quarter. These reports or evaluations shall be sent by the employer or person conducting the evaluation to the attention of the Board's Practice Specialist, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 551-S, Topeka, Kansas 66612-1230.

(e) Respondent must abstain from the use of all alcohol and controlled substances except as prescribed for her, for a legitimate purpose, by a licensed medical provider from whom she seeks medical attention. Respondent shall inform all providers who authorize prescriptions for narcotics, psychotropic medicines, or other mood altering drugs, or other pain relief for her of her dependency on controlled substances, and Respondent shall cause all such providers to submit written reports within ten (10) days of each prescription to the Board. The written reports shall identify the medication prescribed, the reason for the prescription, the dosage, the date of prescription, and the number of refills authorized. Respondent agrees that if she accepts a prescription for narcotics, psychotropic medicines, or other mood altering drugs, that the Board may impose additional requirements or terms.

(f) In addition, upon request the Respondent will provide the Board with any release necessary to confirm that Respondent remains alcohol and drug free. The revocation of any release will be a breach of this agreement.

(g) Respondent agrees to notify the Board's Practice Specialist of the name of her employer and immediate supervisor within 14 days from the signing of this Agreement and within 14 days of any change of employment or change in immediate supervisor.

(h) Respondent agrees to notify the Board's Practice Specialist of any changes in her name, address, and phone number as well as all employment terminations or employer changes or additions. All such notifications shall be made within 14 days of such a change.

(i) Respondent shall not, under any circumstances, misrepresent her licensure status.

(j) Respondent shall report in person for appointment with the Board staff upon request.

(k) Respondent shall comply with all laws and regulations governing the practice of nursing.

(l) Respondent must regularly attend AA and NA meetings and must also participate in an a structured aftercare program if recommended or required by any health care provider or the Kansas Nurses Assistance Program.

(m) Respondent shall immediately notify the Board of any use of alcohol or controlled substances.

(n) Respondent shall receive a license card which shall be issued with an "S" and an "L" placed in the status code portion of the license card to indicate that action has been taken against her license.

(o) Respondent shall not handle or administer narcotics, psychotropic medications, or other mood altering drugs, nor shall Respondent carry keys for, or have access to, storage areas where such substances are stored or kept, nor shall she be involved with retrieval of, or assist in the retrieval, of such substances from the pharmacy, nor shall she participate, directly, indirectly, or as a witness, in the destruction or wasting of such substances. Respondent will not write out or call in any prescriptions for narcotics, psychotropic medications or mood altering drugs.

5. Respondent admits and agrees that any further use of alcohol or drugs except as specifically allowed herein and any other violation of the Kansas Nurse Practice Act will not only be a violation of this Consent Agreement and the Final Order but also independent grounds for additional discipline pursuant to K.S.A. 65-1120, and may, at the sole discretion of the Board,

constitute conclusive and irrefutable proof that Respondent should not be licensed to practice nursing, and will justify immediate action to revoke or suspend her license to practice nursing. Respondent agrees that within 48 hours of any request, she will surrender her license to the Board if the Board, after any investigation, determines that she has violated the terms and conditions of this Consent Agreement or the Final Order. Respondent further agrees that, if she fails to surrender her license to the Board within 48 hours of a request as provided above, the Board will be authorized and justified in taking emergency action against her pursuant to K.S.A. 77-537. Furthermore, in the event the Board should move for an order lifting the stay the only issue will be whether Respondent has strictly complied with every term and condition of this Consent Agreement and the Final Order.

6. Respondent understands that any unsatisfactory reports from the Kansas Nurses Assistance Program, her supervisor in nursing, or any reports of a reportable incident under Risk Management Law, or a violation of the Kansas Nurse Practice Act, or failure to comply with any of the conditions of this Consent Agreement or the Final Order may, at the sole discretion of the Board, constitute a breach of this Consent Agreement and the Final Order and may result in further proceedings against her under the Kansas Administrative Procedures Act.

7. Respondent further understands that each and every condition outlined in this Consent Agreement and the Final Order is mandatory, and understands and agrees that an express or implied waiver of one or more conditions by the Board 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 or the Final Order.

8. It is understood that this Consent Agreement is subject to the approval of the Board. Should the Board, or its designee, modify or change the agreement in any manner

unsatisfactory to either party, or disapprove it, either party may withdraw its consent and this document, and all agreements herein shall be void, and the matter will proceed to hearing. However, once approved, all stipulations, agreements and admissions made herein are binding upon the Respondent in the event it is necessary to hold any further hearing in these or any other proceedings.

9. The Parties understand and acknowledge that this is a disciplinary action and will be reported to the National Council of State Boards of Nursing data bank, and that pursuant to K.S.A. 45-215 *et seq.*, the signed original of this Consent Agreement and the Final Order shall remain in the custody of the Board as a public records.

10. In deciding to enter into this Consent Agreement the Respondent relied upon her own knowledge and judgment and did not rely on any statement, representation or promise from the Board or anyone acting on its behalf

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

12. Respondent acknowledges and agrees that neither this Consent Agreement or the Final Order are intended to be, nor will they will 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 or the 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.

13. Respondent acknowledges and understands that she will be responsible for payment of any costs associated with compliance with this Consent Agreement and the Final Order, and that it is

her responsibly to insure that all reports required to be submitted to the Board, including those from her employer or other third party, are submitted in a timely manner.

14. Respondent will pay costs in the sum of \$35.00 Said payment shall be made to the Board in cash or money order and shall be paid within 60 days of the entry of the Final Order.

15. Respondent acknowledges and agrees that nothing contained in this Consent Agreement or the Final Order will grant her any right to automatic license renewal.

16. 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 WITNESS WHEREOF**, the parties hereto execute this Consent Agreement and request that a Final Order be entered.

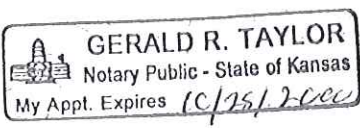
*Joann M Hoskins*  
JOANN M. HOSKINS  
Respondent

DATE December 22, 1998

STATE OF KANSAS                    )  
  )     SS  
COUNTY OF SHAWNEE            )

Subscribed and Sworn to before me, this 22-day of December, 1998.

*Gerald R Taylor*  
Signature of Notary Public



APPROVED:



REX G. BEASLEY

Assistant Attorney General

Disciplinary Counsel

DATE December 22, 1998