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BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

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IN THE MATTER OF
DEBORAH VAN GOETHEM
License No. 14-50024-011

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Case No. 10-1272-0

KSBN

FINAL ORDER AND CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE

NOW ON THIS 11th day of December, 2012, the Kansas State Board of Nursing, represented by Assistant Attorney General assigned to the Board, Alma A. Heckler, and the Licensee, Deborah Van Goethem, 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 1/31/2013. 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 12425 W. 68th Highway, Louisburg, Kansas 66053.
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 10/11/2012 to take disciplinary action against the licensee's license.

(b) The petition alleged that (a) In Case No. 10-1272-0, Respondent was licensed in the state of Missouri as a nurse and entered into a Settlement Agreement with Missouri. The effective date of the Agreement was 10/5/2010.

(c) In the Settlement Agreement, respondent admitted that on June 12, 2008, she reported to work at Heartland Home Health Care in Kansas City, Missouri and the Administrator detected a strong odor of alcohol present on her person. When the respondent submitted to alcohol breath tests, the tests were positive for alcohol. Her behavior was described as unpredictable and erratic.

(d) Under the terms of the 10/5/2010 Agreement the respondent was placed on probation for three (3) years. Pursuant to the Agreement, the respondent was required to abstain completely from the use or consumption of alcohol.

(e) On November 22, 2010, the respondent submitted a urine sample for random drug and alcohol screening. The sample tested positive for the presence of ethyl glucuronide, a metabolite of alcohol.

(f) The Missouri Board revoked the respondent's nursing license on March 9, 2011. The Kansas Board reopened its investigation when the Board was notified that the Missouri Board had revoked the respondent's nursing license.

(g) In Case No. 09-757-7 the Board opened an investigation after it received a report that the respondent was running a day care without a license and allegations the respondent smelled of alcohol while working. The respondent agreed to enroll and complete The Kansas Nurse Assistance Program (KNAP).

(h) Respondent agreed at the prehearing held on November 27, 2012, to surrender her 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 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.

POLICY STATEMENT

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

DISPOSITION

12. Based upon this agreement and final order, 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 licensee's license card with the agreement.
15. Licensee agrees upon signing this agreement to pay a fee in the amount of \$70.00 to the Board and will forward same with this agreement.
16. 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 Consent Agreement to Surrender and Revoke is the date shown on the certificate of service.
17. 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.
18. 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.
19. By their signatures, the parties hereby acknowledge this agreement.

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

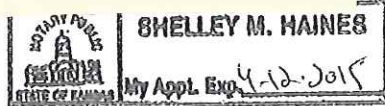
IT IS SO ORDERED.

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Deborah Van Goethem

Deborah Van Goethem must sign before a Notary Public.

Deborah Van Goethem
Respondent
12425 W. 68th Highway
Louisburg, Kansas 66053.



12-6-12

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

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Sandra Sharon, Presiding Officer

Pursuant to K.S.A. 77-527, either party may request a review of this final 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 final 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 final 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 ^{12th} ~~6th~~ day of December, 2012, I mailed a copy of this FINAL ORDER AND CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE to:

Deborah Van Goethem
12425 W. 68th Highway
Louisburg, Kansas 66053.

[Redacted signature area]

Alma A. Heckler, #11555
Assistant Attorney General