

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON RM 551-S
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF:)

CARA MENEILLY)

LICENSE NO. 14-067776-021)

CASE NO. 94-0098-7

95-0264-7

96-0231-7

CONSENT AGREEMENT AND FINAL ORDER

COMES NOW the Petitioner, the Kansas State Board of Nursing, hereinafter referred to as the "Board", by and through Assistant Attorney General Mark S. Braun, and the Respondent, Cara Meneilly, and respectfully request the Board, or its designee, approve this Consent Agreement and Final Order as the resolution in this case. By entering into this Consent Agreement and Final Order, both parties waive their right to a full administrative hearing pursuant to K.S.A. 65-1120(b) and K.S.A. 77-523. This Consent Agreement and Final Order affects the Respondent's license to practice as a registered professional nurse (R.N.) in Kansas.

AGREEMENT

It is the intent and purpose of this Consent Agreement and Final Order to provide for settlement of all issues currently before the Board without the necessity of a formal hearing. Respondent is aware that she may be represented by counsel in this matter. Respondent is aware she has certain rights in this matter, which she is choosing to waive. Such rights include: the right to counsel; the right to formal notice of the violations alleging her violation(s) of the nurse practice act; the right to a formal

hearing; the right to see and hear the evidence against her and 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 a hearing in this matter.

Respondent knowingly and intelligently waives, or gives up, her rights as listed herein and wishes to enter into an agreement to resolve this matter instead of proceeding to a hearing. The parties agree as follows:

1. Both parties to this Agreement acknowledge that the Board received information and conducted an investigation into whether Respondent violated the Kansas Nurse Practice Act. Based on that investigation, there are reasonable grounds to believe Respondent violated the Act. Respondent is aware of the factual and documentary information regarding the specific counts stated in the Petition.

2. Respondent acknowledges and understands that she has the right to a full and fair hearing on the allegations made by the Petitioner. At such hearing, the Petitioner would be required to present witnesses and evidence in support of the allegations. Respondent would have the opportunity to cross-examine Petitioner's witnesses and present witnesses and evidence on her own behalf. The matter would be decided on the evidence presented and a decision would include findings of fact and conclusions of law. Respondent would also have the right to seek reconsideration of any adverse order issued by the Board and the right to seek judicial review of any adverse Board order or decision. Respondent

understands that by entering into this Consent Agreement and Final Order, she is waiving all of the above-mentioned rights.

3. In lieu of proceeding to a full hearing, Respondent admits to the violation alleged in the Petition. Respondent understands that by admitting to the violation alleged in the Petition, she will be admitting to a violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., for which disciplinary action is being taken against her license. Respondent further understands that the disciplinary action will be reported to the National Council of State Boards of Nursing for their disciplinary data bank.

4. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license shall be **suspended** for a period of one year from the date this Consent Agreement and Final Order is approved by the Board or its designee. Respondent's license shall be **limited** regarding her practice as further identified in this order. The suspension shall be stayed, allowing the Respondent to continue to practice under certain conditions and limitations, as follows:

(a) The Respondent shall cause her employer(s) to provide quarterly reports for a period of one year. The reports shall be prepared by Respondent's immediate nursing 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; April 20, 1998; July 20, 1998; October 20, 1998; and

January 20, 1999. If Respondent is not employed as a nurse for a period of time not included in this schedule, the reports shall be submitted as soon as possible so that four consecutive quarterly reports are received by this 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, Rm. 551-S LSOB, 900 S.W. Jackson, Topeka, Kansas 66612-1230.

(b) Respondent agrees to sign the appropriate release(s) necessary so that any evaluations may be forwarded to the Kansas State Board of Nursing to the attention of the Board's Practice Specialist.

(c) Respondent agrees to give notification to the Board's Practice Specialist of the name of his employer and immediate supervisor within fourteen (14) calendar days from the signing of this Agreement and/or within fourteen (14) calendar days of a change of employment or change in immediate supervisor.

(d) Respondent agrees to give notification to the Board's Practice Specialist of all name, address, and/or phone number changes, as well as all employment terminations or employer changes or additions within fourteen (14) calendar days of such a change.

(e) Respondent shall maintain any counselling/therapy she is currently undergoing until released by the counsellor or therapist. The counsellor/therapist shall submit reports to the Board's Practice Specialist on the same schedule as the quarterly reports identified in paragraph (a) above. Further, Respondent shall sign any releases necessary for the release of such reports to the Board's Practice Specialist.

(f) Respondent's license shall be limited in that the Respondent shall not have any hands-on patient care, other than is necessary for her to conduct assessments and develop plans of care for her patients. Delivering care under the plan of care and any direct patient care or administration of medications shall not be carried out by the Respondent, but shall be carried out by staff nurses.

5. Pursuant to K.S.A. 74-1110, Respondent is hereby assessed costs of these proceedings in the amount of thirty-five (\$35.00) dollars to be paid by money order or cashier's check payable to the Board of Nursing and delivered to the Board Office within sixty (60) days of service of this order on the parties.

6. Respondent's license card expired February 29, 1997, but she has continued to be authorized to practice nursing until this matter is resolved.

7. Respondent license card shall be issued to her within a reasonable time after approval and service of this order on the parties. Respondent's license card, when issued, shall have an "L"

placed in the status code portion of the license card to indicate that action has been taken against her license.

8. By signing this Consent Agreement and Final Order, Respondent acknowledges that she has read and understands the entire document, and agrees to be bound by this document.

9. Should the Board, or its designee, modify or change the Consent Agreement and Final Order in any manner unsatisfactory to either party, either party may withdraw its consent and the matter will proceed to hearing. Further, if the Consent Agreement and Final Order, as signed by the parties, is not acceptable to the Board, or its designee, neither party shall be bound to any representations made in this agreement.

10. Respondent acknowledges she is aware of the factual and documentary information relating to the counts stated in the Petition.

11. Respondent is acknowledges and agrees that the Petition in this matter will be filed simultaneously with the Consent Agreement and Final Order.

FINDINGS OF FACT

1. Respondent is licensed to practice as a registered professional nurse (R.N.) in the State of Kansas, having been issued license number 14-067776-021, with an expiration date of February 28, 1997. Respondent timely submitted her renewal application and has been authorized to practice as a nurse until this matter is resolved.

2. The Board received information and conducted an investigation into alleged violations of the Kansas Nurse Practice Act by the Respondent.

3. The Board's investigative committee found there were reasonable grounds to believe Respondent violated the Kansas Nurse Practice Act and referred this matter for disciplinary action.

4. Respondent has received a copy of the Petition, which was mailed to her at her last address known to the Board, and waives formal service of notice in this matter.

5. Respondent is not represented by counsel in this matter. Respondent has been advised of, and is aware of, her various rights as identified in this document, including her right to counsel.

6. Respondent admits to inaccurately recording in the documentation of medications to her patients while employed as a nurse by Olsten Health Care, St. Luke's Hospital, and Humana Health Care and that the acts and conduct resulting in the medication administration/documentation problems constitute unprofessional conduct, contrary to K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(d) inaccurate recording records of a patient or agency. Respondent understands that by admitting to the allegations in the Petition, she will be found to have committed a violation of the nurse practice act for which disciplinary action will be taken.

7. In lieu of proceeding to a full administrative hearing, the parties have agreed to enter into and be bound by this Consent Agreement and Final Order.

8. The Parties understand and acknowledge that, pursuant to K.S.A. 45-215 et seq., the signed original of the Consent Agreement and Final Order shall remain in the custody of the Board as a public record.

9. Respondent is aware that the Petition in this matter is being simultaneously filed with the Consent Agreement and Final Order.

10. Respondent is aware that this is a disciplinary action and will be reported to the National Council of State Boards of Nursing data bank.

CONCLUSIONS OF LAW

1. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter pursuant to K.S.A. 65-1120.

2. Respondent is not represented by counsel, but has waived her rights in this matter as previously identified herein. Based on the knowledge of her rights, Respondent has knowingly, intelligently, and voluntarily waived her rights and entered into this Consent Agreement and Final Order.

3. Respondent received a copy of the Petition in this matter prior to entering into this Consent Agreement and Final Order, and has waived formal service and notice in this matter.

4. Respondent has admitted to inaccurately recording her documentation in medication administration and that such conduct constitutes unprofessional conduct, contrary to K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(d) inaccurate recording records of a patient or agency.

5. Respondent has violated the Kansas Nurse Practice Act for which disciplinary action may be taken.

6. The Petitioner and Respondent have entered into this Consent Agreement and Final Order which, when signed by both parties and the Board or its designee, will be binding on the parties and the Board.

FINAL ORDER

WHEREFORE, based on the foregoing Agreement, Findings of Fact and Conclusions of Law, IT IS THEREFORE ORDERED that the following action will be taken against the Respondent's license to practice as a licensed practical nurse (L.P.N.) in the State of Kansas:

Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license shall be **suspended** for a period of one year from the date this Consent Agreement and Final Order is approved by the Board or its designee. Respondent's license shall be **limited** regarding her practice as further identified in this order. The suspension shall be stayed, allowing the Respondent to continue to practice under certain conditions and limitations, as follows:

(a) The Respondent shall cause her employer(s) to provide quarterly reports for a period of one year. The reports shall be prepared by Respondent's immediate nursing 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: April 20, 1998; July 20, 1998; October 20, 1998; and January 20, 1999. If Respondent is not employed as a nurse for a period of time not included in this schedule, the reports shall be submitted as soon as possible so that four consecutive quarterly reports are received by this 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, Rm. 551-S LSOB, 900 S.W. Jackson, Topeka, Kansas 66612-1230.

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(g) Pursuant to K.S.A. 74-1110, Respondent is hereby assessed costs of these proceedings in the amount of thirty-five (\$35.00) dollars to be paid by money order or cashier's check payable to the Board of Nursing and delivered to the Board Office within sixty (60) days of service of this order on the parties.

(h) Respondent's license card shall be issued to her within a reasonable time after approval and service of this order on the parties. Respondent's license card, when issued, shall have an "L" placed in the status code portion of the license card to indicate that action has been taken against her license.

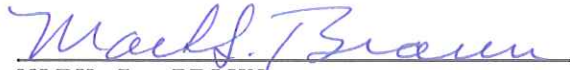
IT SO ORDERED

IN WITNESS WHEREOF, the parties hereunto execute this Consent Agreement and Final Order:



CARA MENEILLY
Respondent

1-9-98
DATE



MARK S. BRAUN
Board Disciplinary Counsel

1-12-98
DATE

WHEREFORE, the provisions stated above are hereby adopted and made the Final Order of the Kansas State Board of Nursing.

IT IS SO ORDERED.

Dated this 13th day of January, 1998



BOARD DESIGNEE

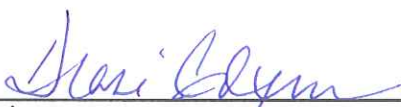
CERTIFICATE OF SERVICE

This is to certify that on the 13th day of January, 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:

CARA MENEILLY
8401 W. 75th Street
Overland Park, Kansas 66204

and by hand delivering a copy to

Mark S. Braun, Disciplinary Counsel
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
Practice Specialist