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

FILED

IN THE MATTER OF
JAN M. BABCOCK
License No. 14-84185-071

MAY 15 2014

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Case No: 11-598-7 and 12-1142-7

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AGREED ORDER TO SUSPEND LICENSE

This Agreed Order is entered into on this 14th day of May, 2014, by the Kansas State Board of Nursing, by and through Disciplinary Counsel, Alma A. Heckler, the Respondent, Jan M. Babcock, by and through her attorney, Danielle Sanger, and as approved by the Administrative Hearing Officer. Respondent fully understands and agrees to the following:

1. Respondent is licensed to practice nursing in Kansas through 7/31/2015. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 305 11th St. SE, Altoona, Iowa 50009.
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(a) is established.
4. Respondent 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. Respondent is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these

hearings. This agreed order will conclude Board action pending at this time against Respondent's license.

5. Respondent understands that pursuant to K.S.A. 77-515, Respondent is represented at Respondent's expense by, an attorney during these proceedings.

6. Board filed a petition in the above captioned cases on or about November 26, 2013.

The Board made the following allegations of violations of the Kansas Nurse Practice Act

(KNPA):

In Case No. 11-598-7, Respondent was employed at Shawnee Mission Medical Center from May of 2003 to October of 2010. On or about 9/26/2010 she failed to report to a physician, a patient's blood glucose level was less than 70. The nursing notes contained an physician's order that the doctor must be notified if the patient's blood sugar was less than 70. Patient's glucose level was 52. Respondent did not take any action.

While employed at Shawnee Mission Medical Center Respondent was counseled at least three times because she failed to answer pages, medication administration policies were not followed, and patient assessments were not charted until days after the assessments were completed. Respondent also delegated too many tasks to other nurses and staff and failed to complete the medication records for patients. The facility terminated her employment in October 2010.

In Case No. 12-1142-7 Respondent failed to report her arrest and prosecution for domestic battery on 4/12/2012 in Johnson County, Kansas District Court. She completed a renewal application on 7/10/2013 and failed to report the arrest, criminal complaint or pending diversion in response to the question "Are criminal proceedings pending in any federal or state court?"

Respondent failed to respond to the Board's requests that she contact the Board investigator to supply information or to respond to the allegations in both investigative cases, 11-598-7 and 12-1142-7.

Respondent has violated the Kansas Nurse Practice Act as follows:

Count I: K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (e)(1); one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;

Count II: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to furnish the board, its investigators, or its representatives with any information legally requested by the board; K.A.R. 60-3-110(t);

Count III: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient; K.A.R. 60-3-110(c);

7. Respondent now resides in Iowa and states she has no intention of working in Kansas or renewing her license to practice nursing in Kansas in 2015. Respondent through counsel has stated that she has completed alcohol testing and monitoring, anger management classes and all other requirements of the Diversion Agreement she entered into as a result of the charge of domestic battery in Johnson County, Kansas District Court.

8. Respondent agrees to stipulate that the Board will present sufficient evidence to prove the allegations and violations of the KNPA listed in item 6 of this Agreed Order. The Respondent agrees to the suspension of her Kansas Nursing license until the next renewal of her license on 7/31/2015.

9. If Respondent seeks renewal of her Kansas Nursing license on or about 7/31/2015, she agrees to the following limitations on her Kansas Nursing license:

(a) The Respondent shall immediately inform all employers and prospective employers of this Initial Agreed Order.

(b) The Respondent shall only work in nursing positions where she is supervised by an RN at all times.

(c) Respondent shall not work as a director of nursing or in a charge or supervising position while these restrictions on her license continue.

(d) Respondent shall not seek or accept employment with a nursing registry, a temporary nursing service or agency, a nursing home, a home health care service or agency, or as a private duty nurse without prior written consent of the Board for the term of this Agreement.

(e) Respondent will Submit Reports from the respondent's employer to the attention of the **Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 1051, Topeka, Kansas 66612-1230** on the following schedule:

If the Respondent is unemployed, prior to respondent securing employment that utilizes her nursing license, respondent is to mail to the Kansas State Board of Nursing a statement indicating that respondent has not yet secured employment which utilizes respondent's nursing license. This statement is due by the 10th day of each month beginning the next month after signing this Initial Agreed Order. (A statement from the respondent that she has not yet secured employment in nursing, is not a nursing performance report).

Once respondent is employed in a position that utilizes his or her nursing license, or if respondent is currently employed in a position that utilizes his or her nursing license, a nursing performance report is due by the 10th day of each of the following months; October 2015, January 2016, April 2016 and July 2016 or until respondent has caused the submission of four (4) separate nursing performance reports.

The report shall be prepared and signed by respondent's immediate supervisor or by an R.N. who evaluates respondent's performance on a regular basis and be based on the following guidelines:

(1) The evaluation should be submitted by your supervisor on your employer's **facility letterhead stationary.**

(2) Letter format is acceptable, with the date of the report identified.

(3) Evaluator's name, telephone number, address, license number and nursing credentials.

(4) Respondent's name, address, telephone number, license number.

(5) A short explanation of the respondent's work performance in the following areas:

- (a) Standards met regarding facility policies and procedures.
- (b) Compliance with the Kansas Nurse Practice Act.
- (c) Supervisor evaluations.
- (d) Overall appropriateness.
- (e) Interactions with patients.
- (f) Interactions with staff and administration.

10. Based upon this agreed order, the parties agree that Respondent agrees to the suspension of her license to practice nursing in the state of Kansas until the next renewal of her Kansas Nursing license on or about 7/15/2015 and such suspension to begin on the date this agreed order is filed with the Office of Hearings and Appeals.

7. The parties agree that Respondent's RN nursing license to practice nursing in Kansas are immediately suspended as of the date of the filing of this order. Respondent shall not practice nursing as an RN in the state of Kansas until the period of suspension is complete and if she renews her Kansas Nursing license on or about 7/15/2015, Respondent agrees she will practice under the limitations as set out in Item 9 of this Agreed Order.

10. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.

11. By their signatures, the parties hereby acknowledge this Agreed Order.

12. Disciplinary counsel shall mail a copy of this Agreed Order to Suspend License to respondent's address and the address of her counsel.

IT IS SO ORDERED.



Sandra L. Sharon, Presiding Officer

Babcock

Jan Babcock
Respondent
305 11th St.
SE, Altoona, Iowa 50009

Jan Babcock's signature must be notarized



Danielle R. Sanger

Danielle R. Sanger
Attorney for Respondent
Sanger Law Office
5040 Bob Billings Parkway, Suite C-1
Lawrence, Kansas 66049

Alma A. Heckler

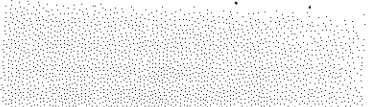
Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

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.

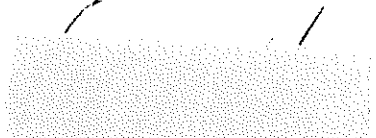

Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 15th day of May, 2014, the foregoing copy of the AGREED ORDER SUSPEND LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Jan Babcock
305 11th St.
SE, Altoona, Iowa 50009

Danielle R. Sanger
Sanger Law Office
5040 Bob Billings Parkway, Suite C-1
Lawrence, Kansas 66049


Alma A. Heckler
Assistant Attorney General

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