

Filed

DEC 1 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
KENDA KUEHNER
LICENSE NO. 14-89059-102

CASE NO. 05-309-0

CONSENT AGREEMENT TO SUSPEND LICENSE WITH A STAY AND FINAL ORDER

NOW ON THIS 25th day of November, 2005, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Kenda Kuehner, enter into the following agreement:

1. Respondent is licensed to practice nursing through 10/31/2006.
2. 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.
3. 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

4. Respondent's license was suspended and she was placed on probation in Nebraska on 11/13/2004 for five years for misappropriating Demerol, Percocet and morphine. On 3/29/2005, while working as a nurse in Phillipsburg, Kansas she tested positive for Demerol (meperidine). Respondent's license was revoked in Nebraska for violating the terms of the Nebraska board's probation by ingesting a controlled substance without a prescription, The revocation was effective August 11, 2005. Kansas Case 04-121-0 reflected the Nebraska suspension.

5. The Nebraska probation involved limits on her practice and in order to practice in Kansas she was referred to the [REDACTED] in September 2004.

6. On October 10, 2005 [REDACTED] informed the Kansas Board that the respondent had relapsed, she had self reported she ingested Demerol given to her by a friend in September 2005 [REDACTED]
[REDACTED]

CONCLUSIONS OF LAW

7. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion (K.A.R. 60-3-110(n)

Count 2: K.A.R. 60-3-110(d) by inaccurately recording, falsifying, or altering any record of a patient, or agency or of the board.

Count 3: K.S.A. 65-1120(a)(1) to be guilty of fraud or deceit in practicing nursing.

Count 4: 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 5: 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.

COUNT 6: 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;

POLICY STATEMENT

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

DISPOSITION

9. 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.

10. 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. A new card will be issued with an "S."** Licensee is to return the current card with this agreement. Licensee 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.

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

12. 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).

13. 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.

14. 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.

15. **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.

16. 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.

17. By signing this Consent Agreement, respondent acknowledges that licensee 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

18. 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) After cost of \$70 is paid.

19. 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 request for a Final Order.

Kenda Kuehner
Licensee
1715 E. 43rd St.
Kearney, NE 68847

Betty Wright, #14785

Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-4707

IT IS SO ORDERED.

Sandra Sharon
Hearing Officer

On the ^{5th} day of December, 2005, I caused a copy of this document to be mailed, postage prepaid, to:

Kenda Kuehner
1715 E. 43rd St.
Kearney, NE 68847

Betty Wright, Assistant Attorney General