

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

Filed
MAY 13 2003
Board of Nursing

IN THE MATTER OF
LAVEDA BANDT
LICENSE NO. 23-007371-022

CASE NO. 02-105-3

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 13th day of May, 2003, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the respondent, Laveda Bandt, enter into the following agreement:

1. Respondent is licensed as a nurse in Kansas through 2/29/2004.
2. Respondent's address of record is 1095 3rd Street, Phillipsburg, KS 67661.
3. 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.
4. 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.

NATURE OF CASE

5. Respondent diverted Demerol by replacing it with Hydroxyzine. The respondent was asked by another nurse to prepare a dose of Demerol for a physician who was going to do procedure in a patient's room. The medication as prepared by the respondent was administered to the patient through IV by the physician and the response to the medication was not as anticipated. Another dose of Demerol was given with good

response. The physician asked that the syringe contents be sent for analysis, and results were Hydroxyzine in the syringe not Demerol. The facility took away medication administration privileges from the respondent as of 12/27/01 and limited the respondent's scope of practice and reduced pay to nurse aide rate of pay.

6. Witnesses will testify to the respondent's insistence on administering Percocet to other staff's patients, even when patients had not requested pain medication. Specifically, on 2/25/02 the respondent wanted to give a patient in room 102 B a Percocet. The nurse assigned to the patient in that room insisted that she would give it to her own patient and did so. After lunch on the same day, the respondent insisted on giving the patient in 102 a Percocet and was told that the nurse for the patient would administer the dose but when the nurse checked with the patient, the patient indicated that only Tylenol had been requested for mild pain. On 2/28/02, the respondent again insisted on giving Percocet to another nurse's patient and when the nurse followed the respondent into the room, the Percocet dose had been crushed up in a cup but did not appear to the nurse to be a full dose. Nurses have requested that the respondent not administer medications to their patients but the respondent continued to administer pain medications.
7. There were other instances described in the medical records of the respondent administering pain medication to patients at double the dose given by other nurses or the respondent documenting late patients' reports of pain and administration of pain medications but the patients' when questioned later by other staff, state that he/she did not report pain.
8. Respondent violated K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol; K.S.A. 65-1120(a)(3) to have been guilty of 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; K.A.R. 60-3-110(n) diverting drugs, supplies, or property of any patient or agency and K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the Board.

9. Respondent has the right to a hearing with evidence and witnesses 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 is waiving those rights and voluntarily entering into this agreement instead of proceeding to such a hearing.

DISPOSITION

10. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that respondent shall complete the following conditions and requirements of this agreement:
 - a. The respondent shall not be allowed to pass medications under any conditions and the respondent will be issued a new license with an "S" to reflect that her license is suspended but such suspension is stayed only so long as she complies with her limitations on drug distribution. Furthermore the respondent shall not have access to any of the drug distribution systems within any facility, including pharmacy, medication storage and computer systems. Respondent has agreed to these limitations and has represented to the board that her future employment will be restricted and her prospective employer is aware of these limitations and has agreed to abide by the conditions set out in this agreement;
 - b. If respondent wants the limitations to be lifted and to be allowed to pass medications, she shall complete a 180 hour refresher course and provide proof

of completion to the board;

c. Respondent's license shall be reissued with an "S" showing the stay of suspension and if the respondent violates this agreement, the stay will be lifted and respondent's license will be suspended indefinitely;

d. Respondent shall within 14 days of signing this agreement forward a copy to her employer and if respondent is making applications for employment, a copy of this agreement must be attached to her application;

e. Respondent shall immediately pay **\$70.00 administrative costs** to the Board upon entering into this agreement.

f. Respondent shall comply with all laws and regulations governing the practice of nursing. Respondent shall also comply with all laws and regulations of the United States of America and its States. Minor traffic violations will not automatically be deemed a violation of this Consent Agreement and Final Order. Depending on the circumstances, repeated minor traffic violations could, however, be evidence of a pattern and practice which may demonstrate a manifest incapacity to practice nursing. Traffic offenses involving drugs or alcohol are not minor traffic offenses and will be deemed to be a violation of this Consent Agreement and Final Order.

g. 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 fourteen (14) days of such a change.

11. Respondent is responsible for the costs related to satisfying these conditions.
12. Respondent further understands that each and every condition outlined in this Consent

Agreement and Final Order is mandatory and if she fails to meet any one of the conditions the Board will proceed to cause a petition or other proceedings to be filed in this matter and that a full adjudicative proceeding will follow. Respondent further understands that as a result she may be denied, suspended, limited, or revoked pursuant to K.S.A.65-1120 or K.S.A. 74-1110.

13. This agreement does not prohibit the agency from taking disciplinary action against respondent's license for any additional or cumulative violation of the Nurse Practice Act committed by the respondent before or after this agreement is entered into.
14. 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 Final Order shall remain in the custody of the Board as Public Records.
15. 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 for a Final Order.

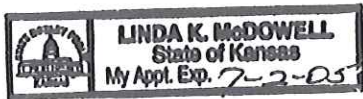


Terry Beck, Hearing Officer

Laveda Bandt
 Laveda Bandt
 Respondent
 1095 3rd Street
 Phillipsburg, KS 67661

State of Kansas)
) SS
 County of Phillips)

Subscribed to me by Laveda Bandt, on April 25, 2003.



Linda K. McDowell
 Signature of Notary Public

Alma A. Heckler

Alma A. Heckler # 11555
 Disciplinary Counsel for the Board
 900 S.W. Jackson, Suite 1051
 Topeka, Kansas 66612-1230
 (785) 296-4325

CERTIFICATE OF SERVICE

On the 8th day of April, 2003, I caused a copy of this document to be mailed, postage prepaid, to respondent at the above address.

Alma A. Heckler
 Alma A. Heckler # 11555
 Assistant Attorney General

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