

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230



IN THE MATTER OF
JACKIE BEECHNER
LICENSE NO. 14-080276-081

Case No: 02-298-7

Filed
AUG 12 2003
Board of Nursing

CONSENT AGREEMENT

NOW ON THIS 7th day of August, 2003, the Board of Nursing,

represented by disciplinary counsel, Betty Wright, and the respondent, Jackie Beechner, by and through her counsel, Joyce Yeager, enter into the following agreement:

1. Respondent is licensed to practice nursing in Kansas as an R.N. through 8/31/2003.
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. The board may deny or limit a nursing license or may issue a censure if a violation of K.S.A. 65-1120 is established.

NATURE OF CASE

3. Respondent is licensed until 8/31/03. The respondent was employed at a hospital in obstetrics from 4/27/98 until January of 2002. She was providing care to a newborn on or about 12/04/01. The infant suffered a variable deceleration noted on the EFM lasting 2 ½ minutes. The monitor was turned off for one (1) minute after deceleration resolved for four (4) hours. The mother of the infant also made complaints regarding the respondent's behavior after delivery. The respondent allegedly, made offensive remarks concerning the newborn's circumcision, calling it a "weenie whacking" and told the mother "you should have had them remove your toe nail polish while you were in the stirrups".
4. The respondent violated K.S.A. 65-1120(a)(6) and (e)(1) – she committed an act of professional incompetence as defined in subsection (e) and engaged in behavior on one or more instances that involved failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board.

5. 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 consent agreement instead of proceeding to such a hearing.

DISPOSITION

6. The Board will not take further action against the respondent's license so long as she meets the following conditions:

a. The respondent shall complete six (6) hours of Continuing Nurses Education (CNE) in obstetrical nursing and eight (8) hours of CNE in fetal monitoring. Respondent shall provide the original certificate of completion to the board of nursing within 120 days of this agreement.

b. The respondent shall not take employment in Kansas in home health, private duty, obstetrics or in a pediatrics unit while under supervision.

c. The respondent shall practice under supervision for one year and shall not take employment in Kansas as a charge nurse or DON (Director of Nursing) during such supervision. Respondent shall also cause her employer(s) to provide quarterly reports for the period of her supervision. The reports shall be prepared by respondent's immediate supervisor or by an R.N. who evaluates her performance on a regular basis. Such reports shall include information regarding attendance, performance and documentation. 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, Landon State Office Building, 900 S.W. Jackson, Suite 1051, Topeka, Kansas 66612-1230.

d. Respondent agrees to notify the Legal Division in writing 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.

e. Any further violations of the Kansas Nurse Practice Act may result in further disciplinary action and/or modification of this agreement.

f. If respondent does not meet these requirements, then petitioner may request additional sanctions against respondent's license. Respondent would be sent notice of such action and would be entitled to a hearing as to whether she had complied with this agreement, but she could not contest the established violation.

7. Respondent further understands that each and every condition outlined in this Consent Agreement 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.

8. It is understood that the Consent Agreement is subject to the approval of the Board. Should the Board, or its designee, modify or change this Consent Agreement in any manner unsatisfactory to either party, or disapprove it, either party may withdraw its consent and this document, and all agreements herein shall be void, and the manner will proceed to hearing. However, once approved, all stipulations, agreements and admissions made herein are binding upon the respondent in the event it is necessary to hold any further hearing in these or any other proceedings.

9. In deciding to enter into this Consent Agreement the respondent relied upon her own knowledge and judgment and did not rely on any statement, representation or promise from the

Board or anyone acting on its behalf. Respondent further acknowledges that she entered into this Consent Agreement freely, knowingly, and voluntarily, and without any coercion, pressure, or duress from the Board or anyone on its behalf.

10. This Consent Agreement will be subject to and governed by the State of Kansas.

11. Respondent acknowledges and agrees that this Consent Agreement is not intended to be, nor will it operate as, a waiver or estoppel of the Board's right to take action against respondent for any act or omission not specifically made a part of this agreement, and that nothing in this Consent Agreement shall be construed to deny the Board jurisdiction to investigate and prosecute other alleged violations of the Nurse Practice Act regardless of when they occur(ed) or when called to the attention of the Board. Respondent acknowledges that each and every term and condition imposed herein is mandatory and that she is required to comply with each and every one. An express or implied waiver of one or more conditions shall not operate as a waiver of any other, nor constitute an estoppel or bar to the enforcement of any other term or condition of this Consent Agreement.

12. Respondent acknowledges and understands that she will be responsible for payment of any costs associated with compliance with this Consent Agreement, and that it is her responsibility to insure that all reports required to be submitted to the Board, including those of her employer or other third party, are submitted in a timely manner.

13. Respondent will pay costs in the sum of \$70.00. Said payment shall be made to the Board in cash, check, or money order.

14. Respondent acknowledges and agrees that nothing contained in this Consent Agreement will grant her any right to an automatic license renewal or a license without restrictions.

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.

16. After the fourth satisfactory quarterly report is provided, CNE certificates are provided, and \$70.00 is paid, the Consent Agreement will be completed.

IN WITNESS WHEREOF, the parties hereto execute this Consent Agreement.

Jackie Beechner
Jackie Beechner
Respondent

Arizona
STATE OF CALIFORNIA
SS 497-80-3988
COUNTY OF La Paz

Subscribed and sworn to before me, this 7 day of August, 2003.

Kitty G. Moore
Signature of Notary Public



APPROVED BY: Joyce Yeager, L.L.C.
Joyce Yeager #18932
Joyce Yeager, Attorney for Respondent
DATE 8/11/03

Betty Wright
Betty Wright #14785
Assistant Attorney General

Terry Beck
Terry Beck
Hearing Officer

CERTIFICATE OF SERVICE

On the 28th day of July, 2003, I caused a copy of this document to be mailed, postage prepaid, to respondent at the above address.

Betty Wright
Betty Wright, #14785
Assistant Attorney General