

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
Lakyn Marie Stephenson**

**License No. 13-130372-082
Case Nos. 16-1059-8 and 16-1625-8**

FILED

MAR 01 2017

KSBN

CONSENT AGREEMENT AND FINAL ORDER

The Kansas State Board of Nursing, represented by Assistant Attorney General Bryce D. Benedict, and the Respondent, Lakyn Stephenson, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

1. Respondent is licensed to practice nursing in the State of Kansas. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent understands that he or she may be represented at respondent's expense by an attorney during these proceedings.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, 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 is established.
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

6. 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.

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 and K.S.A.77-501 et seq. and to judicial review.

AGREED FINDINGS OF FACT

7. The respondent stipulates to the following facts:

(a) While employed at Stormont Vail HealthCare the respondent documented that pain assessments had been completed at times when she never left her work station or entered the patient's rooms. Respondent was fired by Stormont Vail HealthCare on February 9, 2016 for falsification of patient records.

(b) While employed at Kansas Rehabilitation Hospital the respondent on or about May 13, 2016 diverted oxycodone for her own use. When confronted about a missing oxycodone pill she later claimed to have then found it 'melted' in its wrapper in a dryer at her home and brought it to her employer; the oxycodone pill she brought to her employer was not of the type stocked by Kansas Rehabilitation Hospital. She was fired on May 25, 2016.

(c) While employed at St. Francis the respondent diverted IV fentanyl for her personal use. She was asked to take urinary drug screens when the possible diversion came to light. On June 5, 2016 the respondent submitted three (unobserved) urine samples. The first two did not meet temperature guidelines, and the third was diluted. Respondent was fired.

- (d) On or about June 5, 2016 the respondent self-referred to KNAP, the impaired provider program of the Kansas State Board of Nursing. KNAP participation does not allow for the consumption of alcohol. While in the program the respondent:
- (i) Respondent advised staff at Sims-Kemper she began drinking again 1½ weeks after graduating from Valley Hope, beginning August 9, 2016 when she drove drunk from Atchison to Topeka.
 - (ii) On August 15, 2016 the respondent drank a half liter of straight Jamison whiskey before going to Sims-Kemper for substance treatment, where Breathalyzer readings were 0.3 and 0.27 blood alcohol. The respondent drove to a liquor store after being taken home and then drank more Jamison whiskey that night. She then reported to an emergency department and received IV fluid for dehydration.
 - (iii) Tested for a low creatinine level on a urinary drug screen on September 6, 2016;
 - (iv) Tested for a low creatinine level on a urinary drug screen on September 13, 2016;
 - (v) Tested positive for ethanol on September 28, 2016;
 - (vi) Tested positive for ethanol on October 7, 2016; and
 - (vii) Tested positive for ethanol at Sims-Kemper on October 20, 2016, and admitted to drinking beer before coming to recovery treatment at Sims-Kemper.
- (e) As a result of these relapses respondent's program in KNAP has been extended to December 1, 2019.

CONCLUSIONS OF LAW

8. The respondent stipulates that she has violated the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: diverting drugs, supplies, or property of any patient or agency.

Count 2: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing.

Count 3: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

DISPOSITION

9. The Kansas State Board of Nursing will not take additional disciplinary action against respondent's nursing license for the violations stated above as long as respondent completes each of the following conditions and requirements:

(a) The respondent shall inform all employers and prospective employers of this Consent Agreement and the Final Order. This requirement shall last until such time as the KSBN inactivates this case as set out below.

(b) Respondent shall send a money order for \$100.00 to the Board upon entering into this agreement to pay the cost of this action.

(c) Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.

(d) Respondent shall not violate the laws of the United States, of State, or of any political subdivision of any State during the term of this agreement. Traffic infractions shall not be considered violations of the law.

(e) Respondent's license is suspended until such time as she has been compliant with her KNAP contract for six consecutive months.

10. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this Consent Agreement and Final Order will continue through any renewal periods of respondent's nursing license until respondent completes each of the conditions and requirements of this agreement. Further, the parties agree that in the event of a lapse of Respondent's nursing license, reinstatement of Respondent's nursing license shall be contingent upon this Consent Agreement and Final Order remaining in effect until Respondent completes each of the conditions and requirements of this agreement.

11. Respondent acknowledges and agrees that Respondent is responsible for the costs related to satisfying the conditions and requirements of this Consent Agreement and Final Order. Respondent further acknowledges and agrees that to provide the Board with false information regarding compliance with this Consent Agreement is a violation of this Consent Agreement and Final Order.

12. If Respondent does not meet these conditions and requirements, the Kansas State Board of Nursing may request additional sanctions against Respondent's license or application for a license. Respondent would be sent notice of such action and would be entitled to a hearing as to whether Respondent had complied with this Consent Agreement and Final Order, but Respondent could not contest the facts or violations listed in this agreement.

13. All parties understand that if an action based on failure to meet the conditions and requirements of this Consent Agreement and Final Order is filed, K.S.A. 77-531 requires the Notice of Hearing to be served upon the Respondent and the Respondent's attorney of record, if any. All parties agree that only serving the Notice of Hearing upon the Respondent will be proper service and it is the Respondent's responsibility to contact his or her attorney, if any, in reference to the action.

14. The Board will inactivate this case file once respondent satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against Respondent's license for any additional or cumulative violation of the Kansas Nurse Practice Act committed by the Respondent before or after this agreement is entered into.

15. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. The original of this agreement shall be placed in the Agency Record. This Agreement is a public record and will be reported to national disciplinary data banks.

16. After successful completion of all of the conditions and requirements of this Consent Agreement and Final Order by the respondent, the Consent Agreement will be satisfied and the case will be inactivated.

17. By signing this Consent Agreement and Final Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement and Final Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties. The effective date of this Consent Agreement and Final Order is the date shown on the certificate of service.

18. The presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders.

19. **Respondent's license is suspended.**

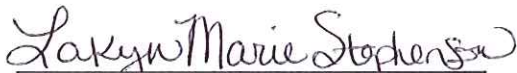
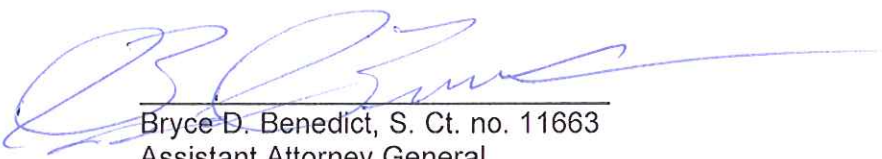
20. Disciplinary counsel shall serve a copy of this order upon the respondent.

IT IS SO ORDERED.



Judith Hiner, Presiding Officer
Chair, Investigative Committee
Kansas State Board of Nursing

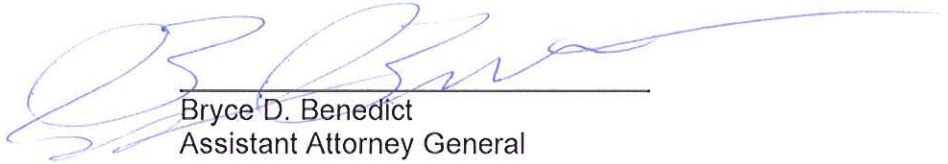
APPROVED BY:


Lakyn Marie Stephenson
Lakyn Marie Stephenson
Bryce D. Benedict, S. Ct. no. 11663
Assistant Attorney General
Kansas State Board of Nursing
900 SW Jackson #1051
Topeka, KS 66612

CERTIFICATE OF SERVICE

On the ^{1st} ~~14th~~ day of ~~February~~, 2017, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to: *Masch*

Lakyn Stephenson
2316 SW Wayne
Topeka KS 66611



Bryce D. Benedict
Assistant Attorney General