

BEFORE THE KANSAS STATE BOARD OF NURSING

LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

Filed
DEC 17 2004
Board of Nursing

**IN THE MATTER OF THE LICENSE OF
CAROLYN CRIQUI
LICENSE NO. 23-14342-022**

CASE NO. 02-693-8

**CONSENT AGREEMENT TO LEVY ADMINISTRATIVE FINE and PUBLIC CENSURE
AND FINAL ORDER**

NOW ON THIS 10th day of December, 2004, the Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the licensee, Carolyn Criqui, through Counsel Cleo Murphy enter into the following agreement:

NATURE OF THE CASE

1. Respondent is licensed as an LPN in Kansas through 2/28/2006.
2. Under the Nurse Practice Act, the Board may deny, revoke, limit, or suspend a license, certificate, or authorization to practice nursing, or 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.
3. Respondent has the right to have a hearing on the petition. Respondent denies the allegations, and by signing this agreement, respondent will be doing so to resolve an investigative case. Respondent acknowledges that if this case had proceeded to a hearing, petitioner would present evidence that petitioner claims would establish the following violations:

The licensee has violated K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (0) exploitation, which shall be defined as misappropriating a patient's property or taking unfair advantage of a patient's physical or financial resources for the licensee's or another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false pretense, or false representation.

4. Petitioner claims that these acts constitute a violation of the Kansas Nursing Practice Act as determined by the board; based on the following facts:

On or about November, 2001 the licensee became the power of attorney for a family friend, an elderly lady MR. Ms. MR owned many rental homes in town that were being rented out and

needed repairs. MR was hospitalized in Topeka in June 2000. The patient went home from the hospital needing total care at that time. The licensee helped with MR's medical care as a nurse after the patient, MR went home, which helped MR stay in her own home. In November 2001 the licensee got a Power of Attorney from MR and began taking control of MR's finances. The licensee also provided professional nursing care as a nurse to MR in her home beginning in approximately April 2001. The licensee and MR had agreed that her home could become a hospice where she could die. MR was concerned that her funds were being depleted, and she called SRS in June 2002. MR called the Jayhawk Area on Aging with the complaint that she was out of money in August 2002.

5. SRS made a finding of exploitation against the licensee and the finding was appealed with a hearing on August 14, 15, 2003 and upheld with an order issued 10/3/2003 confirming that the licensee exploited MR in Appeal No 03P0198AD, pursuant to K.S.A. 39-1430(d) exploitation of a vulnerable adult is the misappropriation of an adult's property or intentionally taking unfair advantage of the adult's physical or financial resources for another's financial advantage by undue influence, coercion, harassment, duress, deception, false representation, or false pretense. (A copy of the SRS Initial Order is attached and incorporated within.)

6. The licensee exploited the patient by placing her name as joint tenant on 9 properties including the patient's home. The total value of the properties was \$197,765.00. When the POA was executed in November 2001 MR had \$17,663.00 in her bank accounts. When an attorney assumed a voluntary conservatorship in August 2003, nine months later, MR had \$1493.14 in her bank account.

7. 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.

CONCLUSIONS OF LAW

8. 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. Respondent is considered to have violated the nurse practice act as alleged.

POLICY STATEMENT

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

DISPOSITION

10. 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.

11. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 74-1110, the parties agree that respondent shall pay an administrative fine and understands a public censure will be sent to the local newspapers.

a. The licensee will pay the **costs of \$70** for this action by certified check or money order to the Board upon entering into this agreement.

b. Within ^{12 mos - CC. BW} 6 months the respondent will pay the administrative fine of \$ 500.00 by certified check or money orders to the Board. Monthly payments can be arranged.

12. Licensee is responsible for the costs related to satisfying these conditions. The word "licensee" used in this document means a current license and renewal or reinstatement of that license.

13. 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.

14. This agreement is a contract entered into by the parties to resolve an investigative case.

The original of this agreement shall be placed in the Board's investigative case file and its contents may be disclosed via a request for records or for information.

15. This is the entire agreement of the parties and it may be modified only in writing.

16. The Board will inactivate this case file once licensee:

- a. Pays \$70 (signed money order, or certified check)
- b. Pays fine of \$ 500.00 within ¹²8 months. *C.C. JBW*

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO LEVY ADMINISTRATIVE FINE AND PUBLIC CENSURE and FINAL ORDER.

IT IS SO ORDERED.

Terry Beck
Hearing Officer

Approved by:

Cleo Murphy
Murphy & Freund
1611 SW 37th St.
Topeka, KS 66611

And licensee:

Carolyn Ciriqi
2314 Monroe
Topeka, KS 66605

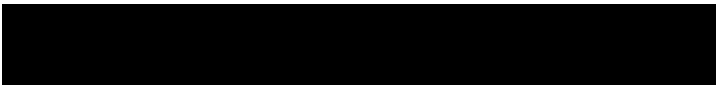
Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-4325

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of December, 2004, I deposited a true and correct copy of the above foregoing in the United States mail, postage prepaid to:

Carolyn Criqui
2314 Monroe
Topeka, KS 66605

Cleo Murphy
Murphy & Freund
1611 SW 37th St.
Topeka, KS 66611



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