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BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF
JENNIFER L. BOSTER
License No. 23-017225-051

Case No. 90-168-9

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 21st day of September, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Jennifer L. Boster, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

AGREED FINDINGS OF FACT

1. Respondent is licensed to practice nursing in Kansas lapsed in 1998. The respondent submitted an application for reinstatement on 7/18/2006. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 724 Lawrence Ave., Leavenworth, KS 66048.
3. The Respondent understands that pursuant to K.S.A. 77-515, respondent may be represented at respondent's expense by, an attorney during these proceedings.
4. 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.
5. 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.
6. (a) On or about 1/15/1991 Applicant entered an agreement with the Kansas State Board of Nursing in case number 90-168-9. The 1/15/1991 agreement was to resolve an

investigation where the board found cause to believe that the applicant violated the Kansas Nurse Practice Act, K.S.A. 1989 Supp. 65-1120(a)(4), being habitually intemperate in the use of alcohol or addicted to the use of habit-forming drugs, and K.S.A. 1989 Supp. 65-1120(a)(2), being guilty of a felony and not being sufficiently rehabilitated to warrant the public trust. The 1/15/1991 agreement was based on the applicant having been convicted of two counts of forgery, one count of possession of cocaine and having been treated in the past for addictive disease.

(b) On or about 9/11/1995 Applicant entered a non-disciplinary agreement with the Kansas State Board of Nursing in case number 90-168-9. The 9/11/1995 agreement was to resolve an investigation where the board found cause to believe the applicant was unable to practice with safety or skill due to the current abuse of alcohol or drugs pursuant to K.S.A. 65-1120(a)(4).

(c) On or about 5/31/1993 applicant's license to practice nursing in Kansas lapsed. On or about June of 1998 the Kansas State Board of Nursing filed a petition in response to applicant's reinstatement application. The petition filed in case number 90-168-9 alleged the applicant violated the Kansas Nurse Practice Act by not following conditions and requirements of the 9/11/1995 agreement. On or about July 9, 1998 a Final Order was entered in regard to the June petition. The hearing officer found that applicant withdrew her reinstatement application, that applicant's license to practice nursing in Kansas was denied and further that the issues raised in the June petition were not decided.

(d) On or about 7/18/06 applicant submitted an application for reinstatement of her Kansas nursing license.

(e) The following convictions on the Respondent's part have been made known to the Board:

On 7/1/2002 respondent was convicted of Possession of Opiates, a level 4 drug felony in Brown County, Kansas District Court case number 01CR355; On 2/21/1997 respondent was convicted

of Forgery, a level 8, non-person felony in Leavenworth County, Kansas District Court case number 9512CR840; On 2/21/1997 respondent was convicted of Theft, a class A misdemeanor in Leavenworth County, Kansas District Court case number 9512CR840; On 2/21/1997 respondent was convicted of Theft, a class A misdemeanor in Leavenworth County, Kansas District Court case number 9512CR840; On 2/21/1997 respondent was convicted of Forgery, a level 8, non-person felony in Leavenworth County, Kansas District Court case number 9512CR840; On 2/21/1997 respondent was convicted of Forgery, a level 8, non-person felony in Leavenworth County, Kansas District Court case number 9512CR840; On 2/21/1997 respondent was convicted of Theft a level 9, non-person felony in Leavenworth County, Kansas District Court case number 9512CR840; On 11/22/1996 respondent was convicted of Forgery, a level 8, non-person felony in Leavenworth County, Kansas District Court case number 9611CR761; On 11/22/1997 respondent was convicted of Theft, a class A misdemeanor in Leavenworth County, Kansas District Court case number 9611CR761; On 11/22/1996 respondent was convicted of Forgery, a level 8, non-person felony in Leavenworth County, Kansas District Court case number 9611CR761; On 11/22/1996 respondent was convicted of Theft, a class A misdemeanor in Leavenworth County, Kansas District Court case number 9611CR761; On 2/21/1997 respondent was convicted of Forgery, a level 8, non-person felony in Leavenworth County, Kansas District Court case number 9611CR769; On 2/21/1997 respondent was convicted of Theft a class A misdemeanor in Leavenworth County, Kansas District Court case number 9611CR769; On 8/23/1989 respondent was convicted of Possession of Cocaine, a felony in Pierce County, Washington Superior Court case number 88-1-02010-8; On 3/30/1988 respondent was convicted of Forgery, a felony in Pierce County, Washington Superior Court case number 88-1-00524-1; On 3/30/1988 respondent was convicted of Forgery, in Pierce County, Washington Superior Court case number 88-1-00524-1.

7. The above incidents are violations of the nurse practice act. The respondent agrees that the board is prepared to prove that respondent has violated:

Count 1: 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 2: K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation.

Count 3: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

8. 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

9. 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.

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

Count 1: 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 2: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing;

Count 3: K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation.

POLICY STATEMENT

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

DISPOSITION

12. 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.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this Consent Agreement will continue through any renewal periods of respondent's nursing license until respondent completes each of the conditions and requirements of this agreement. Upon the parties entering into this Consent Agreement and with the respondent having met all statutory requirements for reinstatement of respondent's Kansas Nursing license, the respondent's application for reinstatement of respondent's Kansas Nursing license will be granted. The Kansas State Board of Nursing will not take disciplinary action against respondent's nursing license for the violations stated above as long as respondent meets the following requirements:

(a) **Respondent shall receive a license card which shall be issued with an "S" placed in the status code portion of the license card to indicate that the license is suspended. The suspension will be stayed as long as requirements within this agreement are met. The card will have an "L" indicating the limitations on the practice.**

(b) **Respondent shall have a narcotic key restriction on respondent's license for the first twelve (12) months after respondent secures employment that requires a nursing license. The narcotic key restriction prohibits the respondent from passing of narcotics, wasting of narcotics or having access to narcotics. The narcotic key restriction also**

prohibits the respondent from supervising nurses or others that have access to narcotics. After respondent completes twelve (12) months of employment that requires a nursing license, without violating any terms of this agreement, respondent may request that the narcotic key restriction be removed from respondent's license. Respondent's request shall include written verification from respondent's employer, to the Kansas State Board of Nursing, as to whether the respondent has been employed in a position that requires a nursing license; as to whether the respondent has held that position for at least twelve (12) months; as to whether the respondent has passed, wasted, had access to, or supervised others that had access to narcotics. With a showing that the narcotic key restriction term of this agreement has been met by the respondent, and the respondent is compliant with all other terms of this agreement, the narcotic key restriction will be removed from respondent's license and respondent will be issued a license card with no limitations on the practice.

(c) **Respondent will participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP);** sign releases of information necessary for KNAP to evaluate and monitor respondent and for KNAP to report information to the board. Respondent will be deemed to have completed the KNAP program when KNAP issues written notification that respondent has completed the program. Noncompliance with KNAP is a violation of this agreement.

(d) **Respondent must submit to random drug screens as determined or selected by the Board or by KNAP.** The costs of the drug screens will be paid by the respondent. Respondent agrees that a Positive Drug Screen is a violation of this agreement.

(e) **Respondent shall immediately notify the Legal Division of any use of alcohol, if prohibited by KNAP, or controlled substances,** or any violation of this Consent Agreement and Final Order.

(f) **The respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order.**

(g) Respondent **shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.**

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

(i) 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.

(j) Respondent **shall not seek or accept employment with a nursing registry, a temporary nursing service or agency, a home health care service or agency, or as a private duty nurse** during the term of this agreement.

(k) Respondent **will Submit Reports from the respondent's employer to the attention of the Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 1051, Topeka, Kansas 66612-1230 on the following schedule:** Prior to respondent securing employment that utilizes respondent's nursing license, respondent is to mail to the Kansas State Board of Nursing a statement indicating that respondent has not yet secured employment which utilizes respondent's nursing license. This statement is due by the 10th day of each month beginning the next month after signing this consent agreement.

Once respondent is employed in a position that utilizes respondent's nursing license, or if respondent is currently employed in a position that utilizes respondent's nursing license, a nursing performance report is due by the 10th day of every third month until respondent has caused the submission of four (4) separate nursing performance reports. The report shall be prepared and signed by respondent's immediate supervisor or by an R.N. who evaluates respondent's performance on a regular basis and be based on the following guidelines:

1. Incorporation of information on facility letterhead stationary is preferred.
2. Letter format is acceptable, with the date of the report identified.

3. Evaluator's name, telephone number, address, license number and nursing credentials.
4. Respondent's name, address, telephone number, license number.
5. A short explanation of the respondent's work performance in the following areas.
 - a. Standards met regarding facility policies and procedures.
 - b. Compliance with the Kansas Nurse Practice Act.
 - c. Supervisor evaluations.
 - d. Overall appropriateness.
 - e. Interactions with patients.
 - f. Interactions with staff and administration.

(l) Respondent agrees to **notify the Legal Division of any changes in address and phone number as well as all employment terminations or employer changes or additions.** All such notifications shall be made in writing within fourteen (14) days of such a change.

14. Respondent is responsible for the costs related to satisfying these conditions and requirements.

15. If respondent does not meet these 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 agreement, but respondent could not contest the violations listed in this agreement. All parties understand that if an action based on failure to meet the requirements of the agreement is filed, the Notice of Hearing will be mailed directly to the respondent. It is the respondent's responsibility to contact his or her attorney, if any, in reference to the action.

16. 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 Nurse Practice Act committed by the respondent before or after this agreement is entered into.

17. This agreement is a contract entered into by the parties to resolve an investigative case. This agreement is a discipline and must be reported on any future renewal applications. The original of this agreement shall be placed in the Agency Record and is a public record.

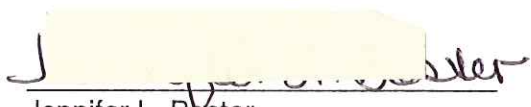
18. By signing this Consent Agreement, respondent acknowledges that respondent has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement constitutes the entire agreement of the parties and may not be modified except in writing and approved by all parties.

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

20. The hearing/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, if by agreement of both parties, in those discipline cases.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT AND FINAL ORDER.

IT IS SO ORDERED.



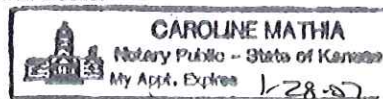
Jennifer L. Boster
Respondent
724 Lawrence Ave.
Leavenworth, KS 66048

Jennifer L. Boster must sign before a Notary Public.

State of Kansas, County of Leavenworth ss.
SUBSCRIBED AND SWORN TO before, me by Jennifer L. Boster

on this 14 day of September, 2006.

My Commission Expires



(Notary Public Seal)


Mark A. Knight, #12183
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230


Terry E. Beck, Hearing Officer

CERTIFICATE OF SERVICE

On the 21st day of September, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Jennifer L. Boster
724 Lawrence Ave.
Leavenworth, KS 66048



Mark A. Knight, #12183
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
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