

BEFORE THE KANSAS STATE BOARD OF NURSING

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

Office of

JUL 07 2006

Administrative Hearings

IN THE MATTER OF  
MARIA G. MONROE  
License No. 23-024963-071

Case No. 03-455-3

CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER

NOW ON THIS 10<sup>th</sup> day of July, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Licensee, Maria G. Monroe, 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

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee is licensed to practice nursing in Kansas as a Licensed Practical Nurse through 7/31/2007. The Kansas State Board of Nursing (Board) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is 71 Pivot Rock Rd. Apt B-13, Eureka Springs, AR 72632.
3. 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.
4. The Board has requested that a petition be filed to take disciplinary action against the licensee's license.
5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).

6. Licensee has the right to these hearings and the right to seek review of the findings from the hearings in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Licensee is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

7. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.

8. (a) Licensee entered a Final Order on 9/2/2005 with the Kansas State Board of Nursing to resolve case number 02-107-8. In that Final Order the Licensee was found to have violated the following provisions of the Nurse Practice Act:

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)(6) to be guilty of unprofessional conduct by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient; K.A.R. 60-3-110 (c)

K.S.A. 65-1120(a)(3) to have committed an act of professional incompetency as defined in subsection (e) Professional incompetency defined. As used in this section, "professional incompetency" means: (1) 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(s) failing to complete the requirements of the impaired provider program of the board.

(b) Conditions of the Final Order included a condition that the Licensee participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP).

(c) 

(d) The Licensee advised the Board that she is not practicing nursing and that her wishes to surrender her license.

**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. Licensee has violated the Kansas Nurse Practice Act as follows:

- (a) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110 (s).

**POLICY STATEMENT**

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

**DISPOSITION**

12. Licensee is surrendering licensee's license to practice nursing in Kansas.

13. Upon signing this agreement and returning it to the Board, licensee shall return licensee's license card with the agreement. Licensee shall not practice nursing in Kansas.

14. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document shall be kept in the Board's agency file and its contents may be disclosed to the public upon request.

15. If licensee does seek reinstatement of licensee's license, the agreed facts are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

16. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO  
SURRENDER AND REVOKE LICENSE AND FINAL ORDER.

IT IS SO ORDERED.

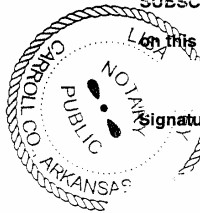
\_\_\_\_\_  
Maria G. Monroe must sign before a Notary Public.

Maria G. Monroe  
Licensee  
71 Pivot Rock Rd. Apt B-13  
Eureka Springs, AR 72632

State of ~~Kansas~~ <sup>Arkansas</sup>, County of Carroll ss.

SUBSCRIBED AND SWORN TO before, me by Maria G. Monroe

On this 27<sup>th</sup> day of June, 2006.



\_\_\_\_\_  
Signature of Notary Public

My Commission Expires 8-3-2013  
(Notary Public Seal)

\_\_\_\_\_  
Mark A. Knight, #12183  
Assistant Attorney General  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612-1230

\_\_\_\_\_  
Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 12<sup>th</sup> day of July, 2006, I mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Maria G. Monroe  
71 Pivot Rock Rd. Apt B-13  
Eureka Springs, AR 72632

\_\_\_\_\_  
Mark A. Knight, #12188  
Assistant Attorney General