

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 6 2006

KSBN

**IN THE MATTER OF
BELVA J. BONHAM
License No. 23-25147-111**

Case No. 03-291-4, 02-603-4, 01-549-4

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 6th day of October, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Belva J. Bonham, represented by Trish Rose, 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 submitted an application to the Kansas State Board of Nursing for reinstatement of her license to practice nursing in Kansas. 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 716 N Cleveland, Hutchinson, KS 67501.
 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.
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6. (a) Respondent's license to practice nursing in Kansas lapsed on 11/30/2003. On or about July 5, 2005 Respondent submitted an application to the Kansas State Board of Nursing for reinstatement of her Kansas license. On Mach 8, 2006 the Board issued a Summary Denial of respondent's Respondent for reinstatement of license as a registered nurse. The respondent filed a timely appeal.

(b) Respondent was employed at Friendly Acres Retirement Community, Newton, Kansas, from on or about August 9, 2001 through on or about September 25, 2001. During that time it was brought to the attention of the facility that they had medications missing. One of the facility CMA's noted the signing out of medications which the residents had not received for a long period of time prior to September 1, 2001. Results of the facility in-house investigation showed medications were "administered" to each of the three residents. Licensed staff on the nursing unit where these residents resided reported none of the residents appeared to be experiencing pain, and the residents had not requested pain relief for months. Review of the sign-out records for controlled drug Hydrocodone/APAP 5/500 for the three residents showed Respondent signed for the medications on or about September 1, 2001 through on or about September 9, 2001.

(c) [REDACTED]

(d) On or about September 5, 2002 Respondent advised that she had would like to have her license go inactive and that she had taken a job outside the nursing field.

(e) Respondent was employed at Hutchinson Correctional Facility, Hutchinson, Kansas from on or about October 15, 2001 through on or about September 9, 2002. On or about August 7, 2002 a person identifying herself as "Marie" phoned in a prescription to the Hutchinson Osco Pharmacy. The prescription was for Loritab and for inmate M.G. The pharmacy reported that a woman picked up the prescription and signed her name as Belva

Bonham. On or about August 29, 2002 a person identifying herself as "Marie" phoned in another prescription to the Hutchinson Osco Pharmacy. The prescription was for Loritab and for inmate R.F. The pharmacy reported that a woman picked up the prescription and signed her name as Belva Bonham. Osco Pharmacy staff advised that the woman was dressed in nurse scrubs and she wore a Hutchinson Correctional Facility identification badge with the name Belva Bonham on it. A chart review of inmates M.G. and R.F. was conducted and it was found that neither of the inmates had current orders for Loritab. Respondent stated she left work both times to obtain the Loritab at the pharmacy.

(f) On or about March 17, 2003 Respondent was convicted in the District Court of Reno County, Kansas, of Obtaining A Prescription only Drug by fraudulent means, a misdemeanor. This conviction arose out of the incidents that occurred at the Hutchinson Osco Pharmacy. Respondent was placed on probation. A condition of Respondent's probation was for her to notify her employers of her conviction. Respondent's probation officer asked Respondent several times if she was following the condition. Respondent always stated that she was. On or about June 11, 2003 the probation office contacted Respondent's employer, Jobs Plus Medical. Respondent's employer had not been advised of Respondent's conviction and the employer advised that Respondent had not mentioned it on her employment application. On or about July 31, 2003 the probation office received information that Respondent had been convicted of possession of an opiate drug with intent to sell. The crime occurred on May 1, 2003 while Respondent was employed as a nurse at Leisure Homestead, St. John, Kansas. The probation officer advised that Respondent had not reported the conviction to her.

(g) On or about April 29, 2003 Respondent was working at Leisure Homestead, St. John, Kansas. Residents at Leisure Homestead reported not receiving medications that had been signed off by Respondent. Controlled medications that were to be destroyed were in the Leisure Homestead medication room. The medications had been counted by two employees.

As part of a sting, Respondent was asked to count the medications. After Respondent's shift the medications were again counted by employees. Medications were found to be missing. Respondent admitted to taking the medications. Respondent was employed at Leisure Homestead for about a week.

(h) On or about June 30, 2003 Respondent was convicted in the District Court of Stafford County, Kansas, of Possession of an opiate drug (Hydrocodone) with the intent to sell, a felony. This conviction arose out of the incidents that occurred at Leisure Homestead.

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:

K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol; respondent has violated K.A.R.60-3-110(r) failing to comply with any disciplinary order of the Board; and respondent has violated K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the Board.

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)(6), unprofessional conduct by K.A.R. 60-3-110 (n), diverting drugs, supplies, or property of any patient or agency.

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)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

Count 5: K.S.A. 65-1120(a)(7), to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act.

Count 6: K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

Count 7: 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.

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 license card will have an "L" indicating limitations on the practice.**

(b) 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.

(c) **The suspension of respondent's nursing license will be stayed when the respondent is in compliance with all terms of this agreement and KNAP issues written notification to the Board that respondent is safe to practice nursing in the state of Kansas.**

(d) **Respondent shall have a narcotic key restriction on respondent's license for the first eighteen (18) 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 eighteen (18) 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 eighteen (18) 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.

(e) 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** without prior written consent of the Board.

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

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

(h) 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.

(i) 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.

(j) 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.**

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

(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.

(m) Respondent is responsible for the costs related to satisfying these conditions and requirements.

14. 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.

15. 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.

16. This agreement is a contract entered into by the parties to resolve a reinstatement case. The original of this agreement shall be placed in the Agency Record and is a public record.

17. 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.

18. 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.

19. 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.

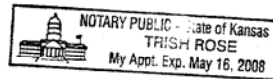
IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT AND FINAL ORDER.

IT IS SO ORDERED.

Belva J. Bonham must sign before a Notary Public.

Belva J. Bonham
Respondent
716 N Cleveland
Hutchinson, KS 67501

State of Kansas, County of Reed ss.



SUBSCRIBED AND SWORN TO before, me by Belva J. Bonham

on this 8th day of September, 2006.

Signature of Notary Public

My Commission Expires _____
(Notary Public Seal)

Trish Rose, #15589
Counsel for Respondent
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Hutchinson, KS 67504

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

Terry E. Beck, Hearing Officer

CERTIFICATE OF SERVICE

On the 6th day of October, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Belva J. Bonham
716 N Cleveland
Hutchinson, KS 67501

Trish Rose, #15589
Counsel for Respondent
Forker, Suter & Rose
129 West 2nd Ave., Suite 200
Hutchinson, KS 67504

Mark A. Knight, #12183
Assistant Attorney General
