

BEFORE THE KANSAS STATE BOARD OF NURSING

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

Filed
FEB 3 2005
Board of Nursing

IN THE MATTER OF
ANGELA JOY BROWN
LICENSE NO. 23-029467-101

CASE NO. 02-358-9

CONSENT AGREEMENT TO SUSPEND LICENSE AND FINAL ORDER

NOW ON THIS 13 day of January, ~~2004~~²⁰⁰⁵, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Angela J. Brown, enter into the following agreement:

1. Respondent is licensed to practice an LPN through 10/31/2005.
2. After an investigation, the Board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act and referred this matter for further proceedings.
3. Respondent has the right to a hearing with evidence and witnesses to establish evidence of his/her fitness to practice nursing 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 and the Kansas State Board of Nursing are waiving those rights and voluntarily entering into this consent agreement instead of proceeding to such a hearing.

AGREED FINDINGS OF FACT

4. Respondent signed a Diversion Agreement 9/9/2003 with the Board to be compliant with KNAP to resolve this case.
5. On or about March 4, 2002 the licensee was convicted of felony DUI, drug paraphernalia possession, and obstruction of the legal process, for an arrest on November 1, 2001 in Lyon County Case 01CR659. Thereafter licensee was sentenced to one year in jail for each, with work release after serving forty-eight (48) hours, fined \$1000.00 and required to complete a drug/alcohol evaluation.

6. Respondent entered KNAP as agreed in the board's diversion agreement, however on November 2, 2004 the board received notice from KNAP that respondent was noncompliant with the program because she had not contacted the Compass Vision System for her random drug screens since July 29, 2004. No urine drug screens had been done on the respondent since April 19, 2004.

7. On 11/10/2004 the Board filed an Emergency Petition to Suspend her license due to the violation of the diversion agreement because of her noncompliance with the KNAP program.

8. Respondent admits to a relapse to alcohol in December 2004 and states that she is now attempting to become compliant with KNAP again. She has begun her drug and alcohol evaluation; it will not be completed until January 2005.

CONCLUSIONS OF LAW

9. Respondent has violated K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board and K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs.

POLICY STATEMENT

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

DISPOSITION

11. 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.

12. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the current license will be immediately **suspended**.

13. Licensee shall continue to participate in and complete the recommendations and requirements of the **Kansas Nurses Assistance Program (KNAP)**; sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report information to the board.

14. The costs of this action will be waived.

15. Licensee is responsible for the costs related to satisfying these conditions.
16. If licensee does not meet these requirements, petitioner may request additional sanctions against licensee's license or application for a license. Licensee would be sent notice of such action and would be entitled to a hearing as to whether he/she had complied with this agreement, but he/she could not contest the established violation(s).
17. Licensee agrees to notify the Legal Division of any changes in his address and phone number as well as all nursing employment terminations or employer changes or additions. All such notifications shall be made within fourteen (14) days of such a change.
18. Licensee shall immediately notify the Legal Division of any use of alcohol, or controlled substances, or any violation of this Consent Agreement and Final Order.
19. The Board will inactivate this case file when KNAP sends a letter stating respondent has successfully completed the KNAP program. 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.
20. The parties understand and acknowledge that this is a disciplinary action; it will be in the newsletter and on the website. The original of this agreement shall be placed in the Agency Record and is a public record.
21. By signing this Consent Agreement, respondent acknowledges that licensee 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.

IN CONCLUSION

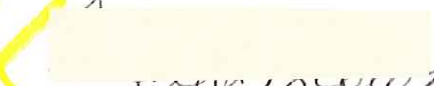
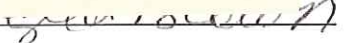
22. This case will be inactivated and a card with no suspension will be issued when:
 - a) KNAP issues a letter of successful completion of the KNAP program.

b) The licensee may request a STAY OF SUSPENSION, so that she can practice nursing by sending a letter to the legal department with a written statement that she is safe to practice nursing from her doctor or treater, and a letter from KNAP stating she has had a three month period of compliance.


c) The suspension will continue through renewals until the KNAP program is completed.

19. Once the KNAP program is successfully completed, the licensee may request that an unencumbered license be issued by sending the request in writing and returning the license card with the "S" to the Board; if all requirements are met a new card will be issued with no restrictions.

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

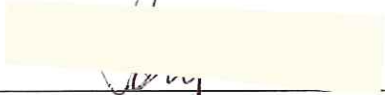



Angela J. Brown
Licensee
1220 W. 9th Avenue
Emporia, KS 66801



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

IT IS SO ORDERED.



Terry Beck
Hearing Officer

On the ^{7th mg} ~~3rd~~ day of February, 2005, **CERTIFICATE OF SERVICE** I caused a copy of this document to be mailed, postage prepaid, to:

Angela Joy Brown
1220 W. 9th Avenue
Emporia, KS 66801

KNAP
6405 Metcalf, Ste 403
Cloverleaf Complex Bldg #3
Overland Park, KS 66202


Betty Wright, Assistant Attorney General