

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

AUG 10 2006

KSBN

**IN THE MATTER OF
ANGELA J. BROWN
License No. 23-029467-101**

Case No. 02-358-9

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 8th day of August, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Licensee, Angela J. Brown, 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. Licensee license to practice nursing in Kansas lapsed on 10/31/2005. The Kansas State Board of Nursing (Board) received an application for reinstatement from Licensee on 7/31/2006. The Board has jurisdiction over the Licensee and the subject matter of this action.
 2. Licensee's address of record is 1220 W 9th Ave., Emporia, KS 66801.
 3. The Licensee understands that pursuant to K.S.A. 77-515, Licensee may be represented at Licensee's expense by, an attorney during these proceedings.
 4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Licensee 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 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,
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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.

(b) Licensee signed a Diversion Agreement 9/9/2003 with the Board to resolve this case. In the Diversion Agreement licensee agree to be compliant with the Kansas Nurses Assistance Program (KNAP).

[REDACTED]

(d) On 11/10/2004 the Board filed an Emergency Petition to Suspend licensee's license [REDACTED]

(e) On or about 2/3/2005 Licensee entered a consent agreement with the Board. As part of the consent agreement Licensee's license was suspended and Licensee was required to participate in and complete the KNAP program.

(f) On or about 10/31/2005 Licensee's license to practice nursing in Kansas lapsed.

(g) On or about 7/31/2006 Licensee submitted an application to the Board for reinstatement of her nursing license.

[REDACTED]

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

K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (s) failing to complete the requirements of the impaired provider program of the board; K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

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

Count 1: 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).

Count 2: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

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 Licensee's nursing license until licensee completes each of the conditions and requirements of this agreement. Upon the parties entering into this Consent Agreement and with the Licensee having met all statutory requirements for reinstatement of Licensee's Kansas Nursing license, the Licensee's application for reinstatement of Licensee's Kansas Nursing license will be granted. The Kansas State Board of Nursing will not take disciplinary

action against Licensee's nursing license for the violations stated above as long as Licensee meets the following requirements:

(a) Licensee **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.

(b) Licensee **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 Licensee and for KNAP to report information to the board. Licensee will be deemed to have completed the KNAP program when KNAP issues written notification that Licensee has completed the program. Noncompliance with KNAP is a violation of this agreement.

(c) Licensee **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 Licensee. Licensee agrees that a Positive Drug Screen is a violation of this agreement.

(d) Licensee **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.**

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

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

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

(h) Licensee 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) Licensee 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) Licensee is responsible for the costs related to satisfying these conditions and requirements.

14. If Licensee does not meet these requirements, then Kansas State Board of Nursing 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 Licensee had complied with this agreement, but Licensee could not contest the violations listed in this agreement.

15. The Board will inactivate this case file once Licensee satisfies this agreement. 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.

16. This agreement is a contract entered into by the parties to resolve an investigation case. This agreement supersedes the Consent Agreement and Final Order entered into by the parties on 2/7/2005. The original of this agreement shall be placed in the Agency Record and is a public record.

17. By signing this Consent Agreement, Licensee 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.

18. After successful completion of all of the requirements of this Consent Agreement by the Licensee, 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.

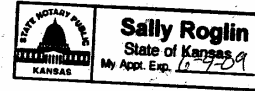
IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT AND FINAL ORDER.

IT IS SO ORDERED.

Angela J. Brown must sign before a Notary Public.
Angela J. Brown
Licensee
1220 W 9th Ave.
Emporia, KS 66801

State of Kansas, County of Lyon ss.

SUBSCRIBED AND SWORN TO before, me by Angela J. Brown
on this 3 day of August, 2006.



Signature of Notary Public
My Commission Expires 6-4-09
(Notary Public Seal)

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 11th day of August, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

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

Mark A. Knight, #~~12~~183
Assistant Attorney General