

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING

NOV 27 2007

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

KSBN

IN THE MATTER OF
CAROLYN R. CLINE
License No. 23-032776-102

Case No. 06-1097-6

CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER

NOW ON THIS 26th day of November, 2007, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Licensee, Carolyn R. Cline, 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 through 10/31/2008. 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 509 School St. Apt6, Augusta, KS 67010.
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 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 petition was filed 10/25/2005 to take disciplinary action against the licensee's license. The petition alleged:

(a) On or about 12/4/2006, Respondent was terminated from NurseStat while assigned to Fredonia Regional Hospital. Respondent had a positive UDS for Benzodiazepine and a serum drug screen was positive for Methadone and Clonazepam. The facility requested a UDS after Respondent was unable to stay awake for her shift on 12/4/2006. Respondent was oriented times 3 but answered questions inappropriately, and her gait was unsteady.

(b) Respondent denied any drug use except for medications prescribed for her, Effexor and Stadol. When patient emptied her pockets prior to her drug screen, she had two pocket knives, change, a strange looking rock and two Clonazepam, 1 mg. tablets, in a peel pack. The pharmacy was notified and discovered 8 (1mg.) tablets of Clonazepam were missing from the medication cart. Respondent was referred for a CT scan but it failed to show a physical cause for Respondent's odd behaviors. Respondent admitted to diversion of two (2) Clonazepam but she denied any memory of leaving the Emergency Room against medical advice, spilling her coffee at the nurses station or trying to steal a reflex hammer from ER.

(c) Respondent were referred to the Kansas Nurses Assistance Program (KNAP) by the Investigative Committee of the Kansas Board of Nursing (KBON) after a review of the case

on 3/12/07. On 7/23/07, KNAP sent notification to KBON, Respondent had failed to enroll in KNAP. A drug and alcohol evaluation recommended the Respondent enter intensive out-patient treatment for the diagnosis of poly-substance dependence. The evaluation did not recommend the Respondent continue to practice as a nurse until after Respondent were enrolled in a treatment program and KNAP.

(d) Respondent is not currently enrolled in KNAP and has continued to work, in spite of the recommendation for intensive out-patient treatment and the Respondent has failed complete the enrollment process with KNAP.

(e) The respondent contacted the Board 10/31/2007, by telephone, stating her wish to surrender her license. The Board has agreed to accept the surrender of 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. 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)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency.

Count 3: 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.

POLICY STATEMENT

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

DISPOSITION

12. Based upon this agreement, the parties agree that Licensee is surrendering licensee's license to practice nursing in the state of Kansas.
13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Licensee's license to practice nursing in Kansas is immediately revoked. Licensee shall not practice nursing in the state of Kansas.
14. Upon signing this agreement and returning it to the Board, licensee shall return licensee's license card with the agreement.
15. 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.
16. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations 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.
17. 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.
18. 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.

[Redacted]

(Carolyn R. Cline must sign before a Notary Public.)

Carolyn R. Cline
Licensee
509 School St. Apt6
Augusta, KS 67010

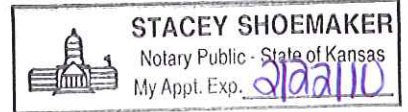
State of Kansas, County of Butler ss.

SUBSCRIBED AND SWORN TO before, me by Carolyn R. Cline

on this 19th day of November, 2007.

Stacey Shoemaker
Signature of Notary Public

My Commission Expires 2/22/10
(Notary Public Seal)



_____, #
Counsel for Licensee

[Redacted]

Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

[Redacted]

Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 28th day of November, 2007, I mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Carolyn R. Cline
509 School St. Apt6
Augusta, KS 67010

Counsel for Licensee, #



Alma A. Heckler, #11555
Assistant Attorney General