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BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

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IN THE MATTER OF
SHEILA M. ROBINSON
License No. 23-14290-102 REINSTATEMENT

Case No. 14-2262-5

INITIAL AGREED ORDER

NOW ON THE 14 day of January, 2016, THE ABOVE MATTER COMES BEFORE THE Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposed to find facts and take disciplinary action against the Licensee by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Respondent, Sheila M. Robinson, has an application for reinstatement to practice nursing in Kansas. The Board has jurisdiction over the Licensee and the subject matter of the action.
2. Applicant's address of record is 3618 West 13th Apt 401 , Wichita, Kansas 67203..
3. The case was submitted to the Investigative Committee on the 20th February, 2015.
4. Review of the investigation and other information gathered by the Board revealed the following information upon which the action is based.
5. 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 the matter for further proceedings.
6. 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.

7. A Summary order may be to revoke licensee's license as disciplinary action against the licensee's license.

8. The above incidents are violations of the nurse practice act. The Respondent agrees that the board is prepared to prove that respondent has violated the act and stipulates to the allegations below.

Respondent has violated the Kansas Nurse Practice Act as follows:

9 Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.

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.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

Count 5: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

Count 6: 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.

And has violated the Kansas Nurse Practice Act again in her November 7, 2011 reinstatement application, when she failed to report her prior license revocations by the Kansas Board of Nursing:

Count 7: 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.

10. The facts below are common to all counts:

Respondent's license to practice nursing in Kansas was revoked on September 26, 2006 in Case No. 05-605-5. Respondent failed to accurately report her birth date and graduation date on her initial application, and subsequent applications. Respondent also failed to accurately report prior criminal convictions: a 1998 conviction in Wichita, Kansas of Driving on a Suspended License and Failure to Surrender Drivers License; a 1991 conviction in Wichita, Kansas of Domestic Battery; and a 1998 conviction of No Proof of Liability Insurance.

(b) Respondent entered a Consent Agreement and Final Order (Consent Agreement) on or about May 9, 2008, with the Kansas State Board of Nursing to resolve KSBN case number 08-304-5. Respondent's history and failure to accurately report her birth date and graduation date on her initial application, and subsequent applications were again admitted. Respondent also failed to accurately report prior criminal convictions.

(c) Conditions of the May 9, 2008, Consent Agreement included a condition that the Respondent shall not violate the Kansas Nurse Practice Act during the duration of the agreement.

(d) On or about 4/9/2009, Respondent was on duty and working as a nurse at College Hill Nursing and Rehabilitation Center (College Hill), Wichita, Kansas. During her shift at College Hill, Respondent was observed to be unable to perform her duties. Respondent had trouble keeping her eyes open when opening a medication cart drawer.

(e) On or about 4/9/2009, Respondent submitted to a drug screen at the request of College Hill staff. Respondent tested positive for benzodiazepine and cocaine.

(f) On or about 4/9/2009, College Hill had in place policies or procedures prohibiting Respondent's behavior on 4/9/2009.

(g) Respondent's license was revoked after a hearing in the matter on November 19, 2009. The Respondent did not appeal the initial order and her license was revoked.

(h) On or about 5/8/2007, the Texas Board of Nursing entered a disciplinary action against the Respondent's license to practice nursing in the state of Texas. Pursuant to the Texas disciplinary action, Respondent's license to practice nursing in the state of Texas was revoked. Respondent failed to report the revocation on Kansas Board of Nursing applications. The Respondent's failure to report the Texas revocation on her Kansas Nursing application was pled as a basis for revocation in the Petition filed in Case No. 09-5335 and was found to be a basis in the Initial Order filed in the matter, revoking Respondent's license.

(i) Respondent filed for reinstatement on or about November 7, 2011 and failed to report in response to question 14, that her license in Kansas has been revoked twice.

(j) Respondent has filed another reinstatement on or about the 16th of December 2014.

6. Per Vakas v. Kansas State Board of Healing Arts, 248 Kan. 589 (1991), factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made are the following:

- The present moral fitness of the petitioner;
- The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- The extent of petitioner's rehabilitation;
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.

The Respondent presents no evidence to demonstrate why her license should be reinstated at this time.

CONCLUSIONS OF LAW

12. 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.

12. 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(r), failing to comply with any disciplinary order of the board.

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.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

Count 5: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

Count 6: 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 7: 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.

And has violated the Kansas Nurse Practice Act again in her November 7, 2011 reinstatement application, when she failed to report her prior license revocations by the Kansas Board of Nursing:

POLICY STATEMENT

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

DISPOSITION

14. By entering into the Initial Agreed Order and consenting to the entry of the Initial Order, both parties waive their right to full administrative proceedings pursuant to K.S.A. 65-1120 and K.S.A.77-501 et seq. and to judicial review.

15. Based upon the agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the Initial Agreed Order will continue through any renewal periods of respondent's nursing license until respondent completes each of the conditions and requirements of the agreement. Further, the parties agree that in the event of a lapse of Respondent's nursing license, reinstatement of Respondent's nursing license shall be contingent upon the Initial Agreed Order remaining in effect until Respondent completes each of the conditions and requirements of the agreement.

16. Based upon the agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the Respondent's application for reinstatement will be approved once she completed the LPN Refresher Course and maintains compliance with the KNAP program for six (6) months. Respondent's license will be suspended for six (6) months once reinstated and this suspension will be stayed providing she is in compliance with the terms and conditions of this agreement.

17. The Kansas State Board of Nursing will not take additional disciplinary action against respondent's nursing license for the violations stated above as long as respondent completes each of the following conditions and requirements:

(a) Respondent will complete a Kansas State Board of Nursing approved refresher course.

(b) Respondent will be referred to Kansas Nurses Assistance Program (KNAP) and follow the the recommendations and requirements. Respondent shall be compliant with KNAP for six (6) months before reinstatement will be approved.

(c) There must be a determination of Licensee's safety to practice nursing. Respondent shall sign releases of information necessary for KNAP to evaluate and monitor Respondent and for KNAP to report information to the Board, Attorney General's office, and Office of Administrative Hearings.

(d) After completion of the refresher course, licensee would have no unsupervised practice for a period of one year.

(e) Respondent shall immediately notify the Legal Division of any violation of the Initial Agreed Order.

(f) The respondent shall immediately inform all medical or health related employers and prospective employers of the Initial Agreed Order and not work in agency or unsupervised positions.

(g) 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: First report will be due on April 10th, 2016 and the 10th of every third month until four (4) reports have been submitted. These reports are performance reports while in a position that requires a nursing license. Licensee will need to provide a copy to her employer.

(h) Respondent shall send a money order for \$100 to the Board upon entering into the agreement to pay the cost of the action.

(i) Respondent shall not violate the Kansas Nurse Practice Act during the

duration of the agreement.

(j) Respondent shall not violate the laws of the United States, of State, or of any political subdivision of any State during the term of the agreement. Traffic infractions shall not be considered violations of the law.

(k) The respondent will complete two (2) hours of Continuing Nurses Education (CNE) on the topic of "Kansas Nurse Practice Act." Respondent is to submit the original certificates for proof of the completion of the hours within 90 days of the agreement. Respondent may not use these hours to meet the CNE requirements of any renewal period.

(j) 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.

18. Respondent acknowledges and agrees that Respondent is responsible for the costs related to satisfying the conditions and requirements of the Initial Agreed Order. Respondent further acknowledges and agrees that to provide the Board with false information regarding compliance with the Initial Agreed Order is a violation of the Initial Agreed Order.

19. If Respondent does not meet these conditions and 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 the Initial Agreed Order, but Respondent could not contest the violations listed in the agreement.

20. All parties understand that if an action based on failure to meet the conditions and requirements of the Initial Agreed Order is filed, K.S.A. 77-531 requires the Notice of Hearing to be served upon the Respondent and the Respondent's attorney of record, if any. All parties agree that only serving the Notice of Hearing upon the Respondent will be proper service and it is the Respondent's responsibility to contact her or her attorney, if any, in reference to the action.

21. Respondent acknowledges and agrees that if any action based on failure to meet the conditions and requirements of the Initial Agreed Order is filed during the term of the Initial Agreed Order, or within 30 days after the expiration date, the conditions of the Initial Agreed Order shall continue in effect until the Board or a hearing/presiding officer designated pursuant to K.S.A. 77-514 and K.S.A. 77-526, rules on the action.

22. Respondent acknowledges and agrees that upon a finding of Respondent not complying with any of the conditions or requirements of the Initial Agreed Order the stay on the Suspension of Respondent's license to practice nursing in the State of Kansas will be removed from the date of said finding. Respondent will not be allowed to practice nursing in the state of Kansas during the period of suspension. Respondent acknowledges and agrees that all conditions and requirements of the Initial Agreed Order remain in effect during the period of suspension.

23. Respondent acknowledges and agrees that the Suspension will be extended due to a finding of non-compliance with any of the conditions or requirements of the Initial Agreed Order, the Suspension will not be Stayed until the Respondent has, following the prescribed time period of suspension, provided written verification to the Board that Respondent is in compliance and has remained in compliance during the period of suspension, with all conditions and requirements of the Initial Agreed Order. Upon the Respondent providing said written verification the suspension will be stayed.

24. The Board will inactivate the case file once respondent satisfies the agreement. The agreement does not prohibit the agency from taking disciplinary action against Respondent's license for any additional or cumulative violation of the Kansas Nurse Practice Act committed by the Respondent before or after the agreement is entered into.

25. The agreement is a discipline and must be reported on any future renewal or reinstatement applications. The agreement is a contract entered into by the parties to resolve

an investigative case. The original of the agreement shall be placed in the Agency Record. The Agreement is a public record and will be reported to national disciplinary data banks.

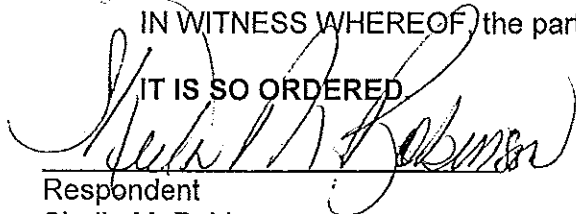
26. After successful completion of all of the conditions and requirements of the Initial Agreed Order by the respondent, the Initial Agreed Order will be satisfied and the case will be inactivated.

27. By signing the Initial Agreed Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. The Initial Agreed Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties. The effective date of the Initial Agreed Order is the date shown on the certificate of service.

28. 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 the INITIAL AGREED ORDER.

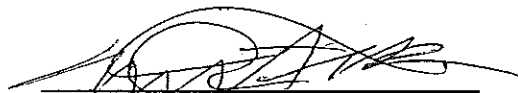
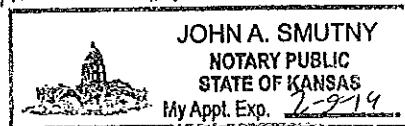
IT IS SO ORDERED



Respondent
Sheila M. Robinson
3618 West 13th Apt 401
Wichita, Kansas 67203.

_____ must sign before a Notary Public.

SHEILA ROBINSON SIGNED BEFORE ME THIS
14th DAY JANUARY 2014



Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612



Sandra Sharon, Presiding Officer

Pursuant to K.S.A. 77-527, either party may request a review of the final order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed with 15 days from the date the final order was served. Failure to timely request a reconsideration by the Kansas State Board of Nursing may preclude further judicial review. The petition for reconsideration shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

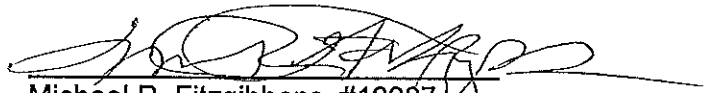
Pursuant to K.S.A. 77-531, if the final order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for reconsideration is not requested in the time and manner stated above, the initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 25th day of January, 2016, I mailed a copy of the INITIAL AGREED ORDER:

Sheila M. Robinson
3618 West 13th Apt 401
Wichita, Kansas 67203.



Michael R. Fitzgibbons, #12287
Assistant Attorney General