

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON RM 551-S
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF:)
)
STANLEY BOOTH)
LICENSE NO. 23-017881-011)

CASE NO. 92-377-4

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received from
Booth

CONSENT AGREEMENT AND FINAL ORDER

COMES NOW the Petitioner, the Kansas State Board of Nursing, hereinafter referred to as the "Board", by and through Assistant Attorney General Mark S. Braun, and the Respondent, Stanley Booth pro se, and respectfully request the Board, or its designee, to approve this Consent Agreement and Final Order as the resolution in this case. By entering into this Consent Agreement and Final Order, both parties waive their right to a full administrative hearing pursuant to K.S.A. 65-1120(b) and K.S.A. 77-523. This Consent Agreement and Final Order affects the Respondent's license to practice as a ~~registered professional nurse~~ ^{licensed Practical Nurse 1-13-94 (LPN)} (R.N.) in Kansas.

AGREEMENT

It is the intent and purpose of this Consent Agreement and Final Order to provide for settlement of all issues currently before the Board without the necessity of a formal hearing. Respondent, understands he has a right to counsel, knowingly and intelligently waives his right to a hearing on the issues currently before the Board relating to her license. The parties agree as follows:

1. Both parties to this Agreement acknowledge that the Board received a complaint and conducted an investigation as to whether Respondent violated the Kansas Nurse Practice Act. Based on that investigation, there are reasonable grounds to believe Respondent violated the Act.

2. Respondent understands that he has the right to counsel in all of the matters pending before the Board. He further understands that: he has the right to a full and fair hearing on the allegations made by the Petitioner. At such hearing, the Petitioner would be required to present witnesses and evidence in support of the allegations; he, with or without counsel, has the opportunity to cross-examine Petitioner's witnesses; he, with or without counsel, has the opportunity to present witnesses and evidence on his behalf; the matter would be decided on the evidence presented and a decision would include findings of fact and conclusions of law; the right to seek reconsideration of any adverse order issued by the Board and the right to seek judicial review of any adverse Board order or decision. Respondent understands that by entering into this Consent Agreement and Final Order, he is waiving all of the above-mentioned rights.

3. In lieu of proceeding to a full hearing, Respondent stipulates to Counts I of the Petition. Respondent understands that by stipulating to Count I, he is admitting to a violation of the Kansas Nurse Practice Act.

4. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license to practice as a ~~registered~~ ^{licensed} ~~professional nurse (R.N.)~~ ^{practical NRR 1-1394 (LPN)} will be suspended for a period of one year from the date the Consent Agreement and Final Order is approved by the Board, or its designee. Said suspension shall be immediately stayed.

A. Respondent shall obtain six (6) hours of continuing nursing education on the topic of administering medication within one year from the date this Consent Agreement and Final Order is approved by the Board or its designee. The six hours must be pre-approved by the Board's Practice Specialist. The six hours are in addition to, and not to be counted toward, the thirty (30) hours of mandatory continuing nursing education for license renewal. Proof of earning the six hours shall be submitted to the Board's Practice Specialist within ten (10) days of taking the classes.

B. Respondent's current license expires January 31, 1995. The re-issuance of his license shall be contingent upon obtaining these six continuing education hours in addition to the regular thirty (30) hours of continuing education required for renewal in January 1995.

C. Respondent shall notify the Board's Practice Specialist in writing within ten (10) days of any changes in residence, home telephone number, employment, or other work situations.

D. The Board's Practice Specialist shall receive quarterly reports about Respondent's work from his closest

supervising agent. The reports shall include information about Respondent's attendance, quality of work performance and patient care.

5. By signing this Consent Agreement and Final Order, Respondent acknowledges he has read the entire document; that he has had the right to obtain counsel for advice in this matter, but has chosen not to do so.

6. Should the Board, or its designee, modify or change the Consent Agreement and Final Order in any manner unsatisfactory to either party, either party may withdraw its consent and the matter will proceed to hearing. Further, if the Consent Agreement and Final Order, as signed by the parties, is not acceptable to the Board, or its designee, neither party shall be bound to any representations made in this agreement.

FINDINGS OF FACT

1. Respondent is licensed to practice as a licensed practical nurse (L.P.N.) in the State of Kansas, having been issued license number 23-017881-011, with an expiration date of January 31, 1995.

2. The Board received a information and conducted an investigation into alleged violations of the Kansas Nurse Practice Act by the Respondent.

3. The Board found there were reasonable grounds to believe Respondent violated the Kansas Nurse Practice Act.

4. On or about December 15, 1992, Respondent was employed as an L.P.N. at Riverside Hospital, Wichita, Kansas. Respondent

administered Vancomycin 1 GM. This was the first done of an antibiotic. Hospital required the first dose to be given by a registered professional nurse (R.N.). Respondent was not an R.N. and gave the first dose in violation of that hospital policy.

5. The medication in Finding of Fact No. 4 was ordered to be given intravenous piggyback, (IVPB). Respondent gave the medication intravenous push, (IVP).

6. Respondent stipulates and admits to Count I of the Petition and the factual basis stated therein.

7. In lieu of proceeding to a full administrative hearing, the parties have agreed to enter into and be bound by this Consent Agreement and Final Order.

8. The Parties understand and acknowledge that, pursuant to K.S.A. 45-215 et seq., the signed original of the Consent Agreement and Final Order shall remain in the custody of the Board as a public record.

CONCLUSIONS OF LAW

1. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter pursuant to K.S.A. 65-1120.

2. Respondent is not represented by counsel. Respondent is aware of his rights under the United States and Kansas Constitutions, the Kansas Nurse Practice Act and the Kansas Administrative Procedures Act. Respondent has knowingly, intelligently, and voluntarily waived his rights and entered into this Consent Agreement and Final Order. In lieu of proceeding to a full administrative hearing, Respondent waives his rights to

counsel: an adjudicative administrative hearing in which the evidence and witnesses would be presented; cross-examination of those witnesses against him; the opportunity to present witnesses and evidence on his behalf; a decision by the Board or its designee based on the evidence; Findings of Facts and Conclusions of Law; the right to seek reconsideration by the Board of any adverse decision and the right to seek judicial review by a district court of any adverse decision by the Board.

3. Respondent has stipulated and admitted to Count I of the Petition. Based on that stipulation, Respondent has violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

4. Respondent is guilty of unprofessional conduct in that on or about December 15, 1992, he failed to follow procedures and policies designed to safeguard the patient, in violation of K.S.A. 65-1120(a)(6), by giving the 1st dose of an intravenous drug in violation of hospital policy and by giving the IV medication incorrectly.

5. The Petitioner and Respondent have entered into this Consent Agreement and Final Order which, when signed by both parties and the Board or its designee, will be binding on the parties and the Board.

FINAL ORDER

WHEREFORE, based on the foregoing Agreement, Findings of Fact and Conclusions of Law, IT IS THEREFORE ORDERED that the following action will be taken against the Respondent's license to practice as a licensed practical nurse (L.P.N.) in the State of Kansas:

Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license to practice as a licensed practical nurse (L.P.N.) will be suspended for a period of one (1) year from the date this Consent Agreement and Final Order is approved by the Board or its designee. Said suspension shall be stayed immediately.

A. Respondent shall obtain six (6) hours of continuing nursing education on the topic of administering medication within one year from the date of this Consent Agreement and Final Order is approved by the Board or its designee. These six hours must be pre-approved by the Board's Practice Specialist. These six hours are in addition to, and not to be counted toward, the thirty (30) hours of mandatory continuing nursing education for license renewal. Proof of earning the six hours shall be submitted to the Board's Practice Specialist within ten (10) days of taking the classes.


B. Respondent's current license expires January 31, 1995. The re-issuance of his license upon a timely application for renewal shall be contingent upon obtaining six additional hours of continuing education in addition to the regular thirty (30) hour continuing education requirement for renewal in January, 1995.

C. Respondent shall notify the Board's Practice Specialist in writing within ten (10) days of any changes in residence, home telephone number, employment, or other work situations.

D. The Board's Practice Specialist shall receive quarterly reports about Respondent's work from her closest supervising agent. The reports shall include information about Respondent's

attendance, quality of work performance and patient care. If Respondent cannot obtain suitable employment, Respondent can attend school to work on advanced nursing degrees during any


IN WITNESS WHEREOF, the parties hereunto execute this Consent Agreement and Final Order:



STANLEY BOOTH
Respondent

1/11/94

DATE



MARK S. BRAUN
Assistant Attorney General
Board Disciplinary Counsel

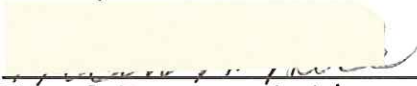
1/12/94

DATE

WHEREFORE, the provisions stated above are hereby adopted and made the Final Order of the Kansas State Board of Nursing.

IT IS SO ORDERED.

Dated this 13th day of January, 1994.



Board Representative or
Board Designee