

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building
900 S.W. Jackson, Suite 551
Topeka, Kansas 66612-1256
(913) 296-4929

In the Matter)
)
 of) Case Nos. 90-040-8 and
) 91-053-7
 KYLEE RICE)
 _____)

INITIAL ORDER

This matter comes before the Kansas State Board of Nursing presiding officer, the designated hearing panel, this 3rd day of April, 1991 upon petitioner's motion to consolidate cases, motions for protective orders, a motion for prehearing settlement conference and continuance and presentation of proposed settlement terms.

Panel members present are: Dean Zerr, R.N.; Mary L. Dunbar, L.M.H.T.; Elsie Flory, L.P.N.; Helen Rice, R.N., chairperson; Presiding Officer. Petitioner appears by and through Disciplinary Counsel, Diane M. Glynn, Assistant Attorney General. Respondent does not appear personally, but appears by and through her legal counsel, Michelle A. Redwood and Milton P. Allen, Jr.

The designated hearing panel, having been advised and presented with copies of the motions in this matter and after

hearing arguments of counsel does hereby grant the motion for consolidation and orders the consolidation of case no. 90-040-8 and 91-053-7 in the matter of Kylee Rice.

The hearing panel does hereby also grant the motion for protective orders in cases no. 91-053-7 and 90-040-8 and orders that all documents and references to non-party patients be sealed to protect the identity of such persons.

It is further ordered that the motion for prehearing settlement conference and continuance is granted in part and that the same was conducted by telephone on April 3, 1991.

Upon verbal presentation of the proposed settlement terms, presented by counsel for the petitioner and counsel for the respondent, and upon discussion of the terms by the panel, upon the unanimous vote of the panel, it does hereby approve and accept the proposed terms of the settlement agreement and order the implementation of its terms.

As the proposed settlement agreement is accepted by the panel, the motion for continuance becomes moot.

The panel also makes the following findings of fact and conclusions of law:

1. The Kansas State Board of Nursing, hereinafter referred to as the "Board," received a complaint, investigated the complaint, and determined there are reasonable grounds to believe respondent has committed acts in violation of the Kansas

Nurse Practice Act, K.S.A. 65-1113 et seq. The Board requested the office of the Attorney General to prosecute this action. Robert T. Stephan is the duly elected and acting Attorney General for the State of Kansas.

2. Respondent is or has been entitled to practice as a Licensed Practical Nurse in the State of Kansas having been issued License No. 23-019583-092, having an expiration date of September 31, 1990, and thus the Board has jurisdiction over that license.

3. Notice and Petition requirements have been met and deemed sufficient and therefore the Board has jurisdiction over this licensee and matter; moreover the respondent has, pursuant to the proposed settlement terms, submitted to the jurisdiction of the board.

4. On or about the 8th day of July, 1990, respondent was engaged in a licensed profession in the State of Kansas as a Licensed Practical Nurse (LPN), pursuant to K.S.A. 65-1113 et seq., in the employ of Heritage Manor (previously known as Colonial Manor Nursing Center), Lawrence, Douglas County, Kansas.

5. On or about the 8th day of February, 1991, the Respondent was engaged in a licensed profession in the State of Kansas as a Licensed Practical Nurse (L.P.N.), pursuant to

K.S.A. 65-1113 et seq., in the employ of Olathe Good Samaritan Center, Olathe, Johnson County, Kansas.

6. Respondent, after obtaining legal counsel, voluntarily agrees to plead no contest to count II, in the petition in case no. 90-04-8, that being committing acts in violation of K.S.A. 1990 Supp. 65-1120(a)(3), and the panel does hereby accept that plea.

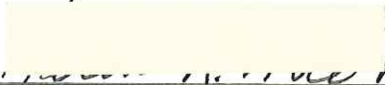
7. Respondent, after obtaining legal counsel, voluntarily agrees to plead no contest to Count I in the petition in case no. 91-053-7, that being acts in violation of K.S.A. 1990 Supp. 65-1120(a)(6) as defined by K.A.R. 60-3-110(a)(4), and the panel does hereby accept that plea.

8. Petitioner agrees to dismiss Count I in the petition in case no. 90-04-8 and the panel does hereby accept such dismissal.

9. Respondent, after obtaining legal counsel, agrees to voluntarily surrender her license to practice as a Licensed Practical Nurse and understands and agrees that said license will be revoked by the Board.

10. The board does hereby order the revocation of the Respondent's license.

Entered this 15th day of April, 1991.



Helen Rice, Chairperson
for the Presiding Officer

CERTIFICATE OF SERVICE

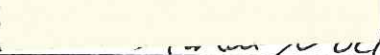
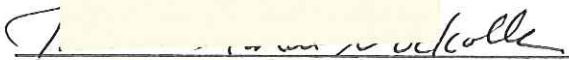
This is to certify that a copy of the foregoing Journal Entry, consolidating cases, ordering protection of patient identification information or records granting a prehearing conference and continuance of hearing date and approving settlement agreement terms, was served by depositing same in the United State Mail, first class postage prepaid, this 15th day of April, 1991 to:

Kylee Rice
767 S. Keeler, Apt. #222
Olathe, Kansas 66061

Milton P. Allen, Jr.
Michelle A. Redwood
201 First National Bank Tower
900 Massachusetts Street
Lawrence, Kansas 66604

and by hand-delivering a copy to:

Diane M. Glynn
Assistant Attorney General
Kansas Judicial Center, 2nd Floor
Topeka, Kansas 66612



Theresa Marcel Nuckolls
Assistant Attorney General