

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

APR 12 2010

**IN THE MATTER OF  
ETHEL M. RICKETTS  
License No. 23-022600-111**


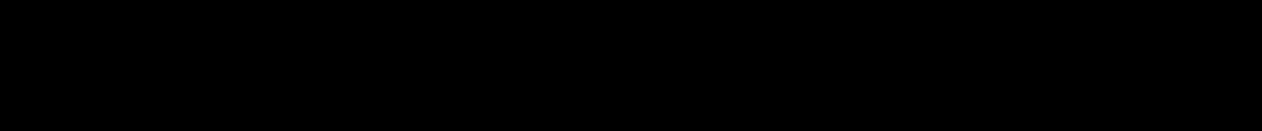
**KSBN**

**Case No. 08-446-3  
OAH No. 09BN0054**

**SUMMARY ORDER**

Now this 12<sup>th</sup> day of April 2010, 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 proposes to find facts and take disciplinary action against the licensed practical nurse license of Ethel M. Ricketts (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Licensee is licensed to practice nursing in the state of Kansas as a licensed practical nurse through the 30<sup>th</sup> day of November 2011.
2. Licensee's address of record is PO Box 85, Wilson, KS 67490.
3. On or about March 23, 2009, Licensee entered a Consent Agreement and Final Order (Consent Order) with the Board to resolve case number 08-446-3. The Consent Order was effective March 25, 2009. The Consent Order remains in effect until such time as the Licensee completes all conditions and requirements of the Consent Order. Licensee has not completed all the conditions and requirements of the Consent Order.
4. Pursuant to the March 25, 2009, Consent Order, Licensee's license to practice nursing in Kansas was reinstated on July 16, 2009, but immediately suspended. The suspension was stayed so long as Licensee continued to meet the conditions and requirements of the Consent Order.
5. Conditions of the Consent Order included a condition that the Licensee participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP). KNAP is the impaired Provider Program of the Board.
6.   

7. Pursuant to the Consent Order, if Licensee is found to have failed to comply with the terms of the Consent Agreement, the Stay of Suspension shall be lifted for a minimum of six months.

8. Pursuant to the Consent Order, should the Stay of Suspension be lifted due to a finding of non-compliance with the Consent Order, the Suspension will not again be Stayed until the Licensee has, following the prescribed time period of suspension, provided written verification to the Board that Licensee is in compliance with all conditions and requirements of the Consent Agreement.

### **CONCLUSIONS OF LAW**

9. The Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization upon making any of the findings listed under K.S.A. 65-1120(a).

10. The Board has jurisdiction over the Licensee and the subject matter of this action.

11. The above findings of fact establish that Licensee has violated the March 25, 2009, Consent Order.

12. In addition to violations of the Consent Agreement and Final Order, the above findings of fact establish the following additional grounds for disciplinary action:

(a) 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.

(b) 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).

13. K.S.A. 77-537 of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

14. The role of the Kansas State Board of Nursing is to protect citizens of Kansas, and the proposed action furthers that policy goal.

### **IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**


**1. The Stay of Suspension is lifted.**

**2. Licensee's license to practice nursing in the state of Kansas is suspended for a period of six (6) months beginning on the effective date of this summary order, and the Suspension will not again be Stayed until the Licensee has, following the prescribed time period of suspension, provided written verification to the Board that Licensee is in compliance with all conditions and requirements of the Consent Agreement.**

**3. Licensee shall not practice nursing in the state of Kansas unless and until the suspension has again been stayed.**

**Notice of Right to Hearing:** Pursuant to K.S.A. 77-537, this decision is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.

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

 LPN  
Janet Jacobs/LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 12<sup>th</sup> day of April, 2010, a true and correct copy of the foregoing Summary Order was deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Ethel M. Ricketts  
PO Box 85  
Wilson, KS 67490

  
Brenda J. Clary, 18770  
Assistant Attorney General

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
ETHEL M. RICKETTS  
License No. 23-022600-111**

**Case No. 08-446-3  
OAH No. 09BN0054**

**FILED**

**MAR 23 2009**

**KSBN**

**FILED**

**MAR 23 2009**

**KSBN**

**CONSENT AGREEMENT AND FINAL ORDER**

NOW ON THIS 23<sup>rd</sup> day of March, 2009, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Ethel M. Ricketts, represented by Robert E. Duncan, II, 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. Respondent's license to practice nursing in the state of Kansas on 11/30/2007. Respondent submitted a reinstatement application to practice nursing in the state of Kansas. A summary denial of Respondent's application to practice nursing in Kansas was entered. The Respondent submitted a timely appeal. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is PO Box 75, Dorrance, KS 67634.
3. The Respondent understands that pursuant to K.S.A. 77-515, respondent may be represented at respondent's expense by, an attorney during these proceedings.
4. 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 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 is established.

6. (a) On or about 4/23/1990, Respondent was convicted of No Proof of Insurance, a misdemeanor, in the Municipal Court of Great Bend, Kansas, case number 90D0902B.

(b) On or about 5/3/1990, Respondent was convicted of No Proof of Insurance, a misdemeanor, in the Municipal Court of Great Bend, Kansas, case number 90D1211C.

(c) On or about 6/29/1995, Respondent was convicted of Issuing an Insufficient Fund Check, a misdemeanor, in the District Court of Russell County, Kansas, case number 94CR283.

(d) On or about 8/19/2004, Respondent was convicted of Issuing an Insufficient Funds Check, a misdemeanor, in the District Court of Russell County, Kansas, case number 98CR074.

(e) On or about 8/8/2007, Respondent was arrested in Barton County, Kansas, for possession of Methamphetamine, Marijuana, and Drug Paraphernalia.

(f) [REDACTED]

(g) [REDACTED]

(h) On or about 11/30/2007, Respondent's license to practice nursing in the state of Kansas lapsed.

(i) On or about 2/19/2008, Respondent submitted a renewal application to the KSBN. The renewal application was rejected as the Respondent needed to submit a reinstatement application.

(j) On or about 2/28/2008, Respondent submitted a reinstatement application to the KSBN. The application was rejected as the Respondent failed to properly complete the application. The application was not complete, was not signed by Respondent, and was not notarized.

(k) On or about 4/23/2008, Respondent submitted a reinstatement application to the KSBN. The application was rejected as Respondent failed to provide adequate information regarding Continuing Nursing Education (CNE).

(l) Other than the convictions for Insufficient funds checks, Application failed to report all criminal convictions on her nursing applications submitted to the KSBN.

(m) [REDACTED]

[REDACTED]

(n) On or about 5/7/2008, Respondent submitted a completed reinstatement application to the KSBN.

(o) [REDACTED]

[REDACTED]

(p) [REDACTED]

[REDACTED]

(q) [REDACTED]

(r) On or about 6/19/2008, Respondent entered a Diversion Agreement for a charge of Possession of Drug Paraphernalia, Possession of Marijuana, and Possession of Methamphetamine, in the District Court of Barton County, Kansas, case number 2007CR363.

7. The above incidents are violations of the nurse practice act. The Respondent agrees that the board is prepared to prove that respondent has violated: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol; K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing; 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)(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.

8. Respondent 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. Respondent 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 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)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

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.

Count 4: 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.

#### **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 and K.S.A.77-501 et seq. and to judicial review.

13. Upon the parties entering into this Consent Agreement and Final Order, the Respondent's application for reinstatement of Respondent's Kansas Nursing license will be granted once the following conditions have been met: (a) Respondent has met all statutory requirements for reinstatement of Respondent's Kansas Nursing License; (b) Respondent has entered the Kansas Nurses Assistance Program (KNAP); (c) KNAP has issued a written statement to the Kansas State Board of Nursing which states the Respondent has submitted to at least one drug screen since entering this consent agreement, the result of which is negative for substances prohibited by KNAP; and (d) KNAP has issued a written statement to the Kansas State Board of Nursing which states that the Respondent has completed two consecutive months of compliance in KNAP since entering this consent agreement and that the Respondent is safe to practice nursing in the State of Kansas.



14. 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 respondent's nursing license until respondent completes each of the conditions and requirements of this 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 this Consent Agreement and Final Order remaining in effect until Respondent completes each of the conditions and requirements of this agreement.

15. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that once Respondent's application for reinstatement of his license to practice nursing in Kansas is granted pursuant to paragraph 13 of this Consent Agreement and Final Order, then Respondent's license to practice nursing in Kansas will be immediately suspended. The suspension will be stayed as long as the requirements and conditions of this agreement are met.

16. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that once Respondent's application for reinstatement of his license to practice nursing in Kansas is granted pursuant to paragraph 13 of this Consent Agreement and Final Order, then Respondent's license to practice nursing in Kansas is immediately limited. The limitations placed on the license and described below will remain in place until the requirements and conditions of this agreement are met or until the requirements and conditions of this agreement call for the modification of the limitations.

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 shall return his or her current license card to the Board with this Consent Agreement.** Once Respondent's license to practice nursing in Kansas has been granted pursuant to paragraph 13 of this Consent Agreement and Final Order, Respondent

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 with a Stay. The card will have an "L" indicating the limitations on the practice.

(b) **Respondent 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 respondent and for KNAP to report information to the board. Respondent will be deemed to have completed the KNAP program when KNAP issues written notification that respondent has completed the program. Respondent must enroll in the KNAP program within thirty (30) days of entering this agreement. Noncompliance with KNAP is a violation of this agreement.

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

(d) **Respondent shall have a narcotic key restriction on respondent's license for the first six (6) months after respondent secures employment that requires a nursing license.** The narcotic key restriction prohibits the respondent from passing of narcotics, wasting of narcotics or having access to narcotics. The narcotic key restriction also prohibits the respondent from supervising nurses or others that have access to narcotics. After respondent completes six (6) months of employment that requires a nursing license, without violating any terms of this agreement, respondent may request that the narcotic key restriction be removed from respondent's license. Respondent's request shall include written verification from respondent's employer, to the Kansas State Board of Nursing, as to whether the respondent has been employed in a position that requires a nursing license; as to whether the respondent has held that position for at least six (6) months; as to whether the respondent has passed, wasted, had access to, or supervised others that had access to narcotics. With a showing that the narcotic key restriction term of this agreement has been met by the respondent, and the

respondent is compliant with all other terms of this agreement, the narcotic key restriction will be removed.

(e) **Respondent 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.**

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

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

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

(h) **Respondent 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) **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 this Consent Agreement. Respondent further acknowledges and agrees that to provide the Board with false information regarding compliance with this Consent Agreement is a violation of this Consent Agreement.

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 this Consent Agreement, but Respondent could not contest the violations listed in this agreement.

20. All parties understand that if an action based on failure to meet the conditions and requirements of this Consent Agreement 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 his or her attorney, if any, in reference to the action.

21. Respondent acknowledges and agrees that upon a first finding of Respondent not complying with the conditions or requirements of this Consent Agreement, the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas, shall be lifted for a period of six months from the date of said finding. Respondent will not be allowed to practice nursing in the state of Kansas during the period of suspension.

22. Respondent acknowledges and agrees that upon a second or subsequent finding of Respondent not complying with the conditions or requirements of this Consent Agreement the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas, shall be lifted for a period of one year from the date of said finding. Respondent will not be allowed to practice nursing in the state of Kansas during the period of suspension.

23. Respondent acknowledges and agrees that upon the Stay of Suspension being lifted due to a finding of non-compliance with this Consent Agreement, the Suspension will not again be Stayed until the Respondent has, following the prescribed time period of suspension, provided written verification to the Board that Respondent is in compliance with all conditions and requirements of this Consent Agreement. Upon the Respondent providing said written verification the suspension will again be stayed.

24. The Board will inactivate this case file once respondent satisfies this agreement. This 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 this agreement is entered into.

25. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. This agreement is a contract entered into by the parties to resolve an investigative case. The original of this agreement shall be placed in the Agency Record. This Agreement is a public record and will be reported to national disciplinary data banks.

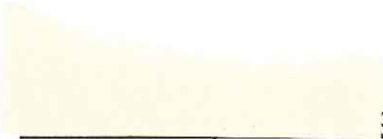
26. After successful completion of all of the conditions and requirements of this Consent Agreement by the respondent, the Consent Agreement will be satisfied and the case will be inactivated.

27. By signing this Consent Agreement and Final Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement and Final Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties.

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 this CONSENT AGREEMENT AND FINAL ORDER.

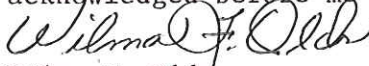
IT IS SO ORDERED.

  
\_\_\_\_\_  
Ethel M. Ricketts  
Respondent  
PO Box 75  
Dorrance, KS 67634

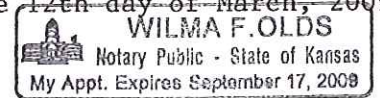
Ethel M. Ricketts must sign before a Notary Public.

STATE OF KANSAS, COUNTY OF ELLSWORTH


This instrument was signed by Ethel M. Ricketts and acknowledged before me on the ~~12th day of March, 2009~~

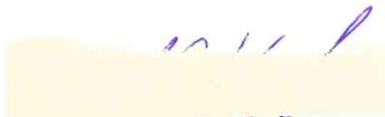
  
Wilma F. Olds

Notary Public



My appt. Expires September 17, 2009

  
Robert E. Duncan, II, #09242  
Counsel for Respondent  
212 SW 8th Avenue, Suite 202  
Topeka, KS 66603

  
Mark A. Knight, #12183  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

  
Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 25<sup>th</sup> day of March, 2009, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Ethel M. Ricketts  
PO Box 75  
Dorrance, KS 67634

Robert E. Duncan, II, #09242  
Counsel for Respondent  
212 SW 8th Avenue, Suite 202  
Topeka, KS 66603

  
Mark A. Knight, #12183  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612