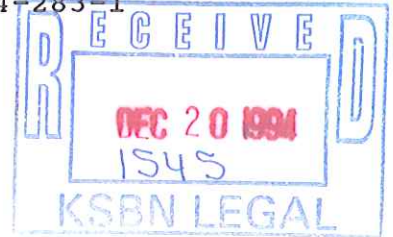


BEFORE THE KANSAS STATE BOARD OF NURSING  
LONDON STATE OFFICE BUILDING  
900 S.W. JACKSON RM 551-S  
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF: )  
 )  
ERIN D. TRENT )  
R.N. APPLICANT )  
L.P.N. LIC.#23-023170-101 )

CASE NO. 94-283-1



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, Erin D. Trent by and through counsel, Steve A. Schwarm, Goodell, Stratton, Edmonds and Palmer, L.L.P., Topeka, Kansas, and respectfully request that the Board, or its designee, approve this Consent Agreement and Final Order as the resolution in this case. This Consent Agreement and Final Order affects the Respondent's license to practice as a licensed practical nurse (L.P.N.), and her licensure as a registered professional nurse (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. The parties agree as follows:

1. Both parties to this Agreement acknowledge that the Board received information and conducted an investigation as to whether Respondent violated the Kansas Nurse Practice Act by falsely stating on her initial L.P.N. application that she had never been

convicted of a crime other than a traffic violation. In fact, Respondent had been convicted of a felony, forgery, in 1989. When Respondent applied for licensure as a registered professional nurse (R.N.), she stated she had been convicted of a crime other than a traffic violation, and provided explanation and documentation.

2. Respondent, with advice of counsel, acknowledges and understands that: she 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. Respondent, through her counsel, would have the opportunity to cross-examine Petitioner's witnesses and the opportunity to present witnesses and evidence on her behalf. The matter would be decided on the evidence presented and a decision would include findings of fact and conclusions of law. Respondent would have 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, with the advice of counsel, understands that by entering into this Consent Agreement and Final Order, she is waiving all of the above-mentioned rights.

3. In lieu of proceeding to a full hearing, Respondent acknowledges the content of paragraph 1, above, and does not admit, nor will she contest the allegations in paragraph 1. Respondent, with the advice of counsel, understands that by not contesting such allegation, the Board may consider and find a violation of the Kansas Nurse Practice Act. Upon a finding of a violation of the

Act, the Board, or its designee, may take action against the L.P.N. license Respondent currently holds, as well as the R.N. license for which she has applied.

4. Respondent agrees that the recitations set forth in the Final Order section of this document constitute her agreement to resolve this matter and acknowledges such as the Board's order in this matter.

5. 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.

6. The parties to this Agreement and Order further agree that if any changes are made as stated in paragraph 6 of this Agreement, Respondent and her counsel shall receive notice of a hearing and will be provided sufficient time to prepare for the hearing in compliance with the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

7. The Respondent has her counsel are aware of the factual and documentary information relating to the alleged violation. Respondent, with the advice of counsel acknowledges she is aware of the allegations against her and waives the filing of a petition in this matter.

### 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 23-023170-101, with~~h~~ an expiration date of October 31, 1995.

2. Respondent applied for licensure as a registered nurse in July, 1994. Respondent was entitled to practice as a graduate nurse for the statutory 90-day period.

3. The Board received Information and conducted an investigation into alleged violations of the Kansas Nurse Practice Act by the Respondent.

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

5. During October, 1993, the Respondent submitted her Application for Examination and Licensure as a Licensed Practical Nurse. On that application, Respondent indicated she had never been convicted of a crime other than a traffic violation. During the month of July, 1994, the Respondent submitted an Application for Examination and Licensure as a Registered Nurse. On that application, Respondent indicated that she had been convicted of a crime other than a traffic violation, and further stated it was a 1989 Class E felony conviction.

6. Respondent was convicted in September, 1989, in Ford County District Court of forgery, a class E felony. Respondent was placed on probation, which was terminated May 4, 1993.

7. Respondent's conduct in concealing her felony forgery conviction constitutes a violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., specifically K.S.A 65-1120 (a)(1) guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing.

8. Respondent does not admit, but does not contest the allegation.

9. 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.

10. 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 represented by counsel. Respondent, with the advice of counsel, and by her signature on this document, has knowingly and intelligently waived her rights as previously stated in the Agreement section of this document.

3. Respondent does not admit, but does not contest, the allegation she violated the Kansas Nurse Practice Act. Based on the statements in paragraph 1 of the Agreement section of this document, and paragraphs 5,6,7, & 8 of the Findings of Fact, Respondent has violated the Kansas Nurse Practice Act, K.S.A. 65-

1113 et seq., specifically K.S.A. 65-1120(a)(1), committing fraud and deceit in procuring a license to practice nursing.

4. 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.) and her application for licensure as a registered professional nurse in the State of Kansas:

1. Respondent agrees to surrender her L.P.N. license effective the date this Consent Agreement and Final Order is approved by the Board or its designee. Respondent further agrees not to practice as an L.P.N. within the state of Kansas. The parties understand and agree that the Respondent's voluntary surrender of her L.P.N. license during the pendency of a disciplinary investigation and proceedings shall be treated by the Board as a revocation of the Respondent's L.P.N. license. Any report or request information will indicate that Respondent voluntarily surrendered her license during the pendency of disciplinary proceedings and that the Board treats such surrenders as a revocation.

2. Respondent's application for her R.N. license shall be granted effective the date this Consent Agreement and Final Order is approved by the Board or its designee. Said license shall be suspended for one year from the date the Consent Agreement and Final Order is approved by the Board, or its designee, or until all requirements of this Agreement and Order have been met, whichever is longer. Said suspension shall be stayed allowing the Respondent to practice as a R.N., as long as she meets the following conditions:

A. The Board's Practice Specialist shall receive quarterly employer reports about Respondent's work from her closest supervising nursing agent. The reports shall be completed by a registered professional nurse who regularly supervises the Respondent and who does not work with the Respondent as a consulting nurse. Said reports shall include information about Respondent's attendance, quality of work performance, patient care, and whether Respondent's performance in these areas is satisfactory. There shall be specific information in the quarterly reports indicating a review of Respondent's charting and documentation have been reviewed, and whether her performance in this area is satisfactory. The Board's Practice Specialist may contact the employer to discuss the Respondent's performance and/or the reports. The first report shall be due no later than April 20, 1995. Subsequent reports shall be due July, 20, 1995; October 20, 1995 and January 20, 1996. This provision recognizes that the Agreement and Order

shall remain in effect until all reports have been received and reviewed.

B. 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.

C. Respondent agrees to pay twenty-five (\$25.00) dollars to the Board of Nursing for payment of costs of these proceedings. Said payment shall be made by money order or cashier's check, payable to the Board of Nursing, which shall be provided to the Board at the same time this Agreement and Order are returned to the Board.

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

Erin D. Trent  
Erin D. Trent  
Respondent

12-19-94  
DATE

Steve A. Schwarm  
Steve A. Schwarm, #13232  
Attorney for the Respondent

12/19/94  
DATE

Mark S. Braun  
MARK S. BRAUN  
Assistant Attorney General  
Board Disciplinary Counsel

12/20/94  
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 20 day of December, 1994



Board Representative or  
Board Designee

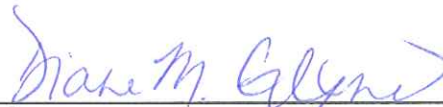
CERTIFICATE OF SERVICE

This is to certify that a copy of this CONSENT AGREEMENT AND FINAL ORDER was served by placing same in the United States Mail, first class, postage prepaid this 21 day of December, 1994, to:

Steve A. Schwarm  
Goodell, Stratton, Edmonds and Palmer, L.L.P.  
515 S Kansas  
Topeka, Kansas 66603

and by hand delivering a copy to

Mark S. Braun  
Assistant Attorney General  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson Rm 551-S  
Topeka, Kansas 66612-1230



Diane M. Glynn, J.D., R.N.  
Practice Specialist