

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
GWYNETH J. JACOBS
License No. 23-24980-031**

Case No. 09-870-5

FILED

DEC 13 2011

KSBN

SUMMARY ORDER

Now this 13th day of December, 2011, 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 nursing license of Gwyneth Jacobs by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Respondent is licensed to practice nursing in Kansas through 03/31/2013. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 1851 N. Park Place Apt 1, Wichita KS 67203.
3. On 8/1/2011, Respondent entered into a Consent Agreement and Final Order with the Board to resolve an investigative case. In the 8/1/2011 Consent Agreement, Respondent agreed to the following conditions and requirements:
 - a. Respondent's license is immediately suspended with a stay.
 - b. Respondent shall fully comply with all of the conditions and requirements of her probation in case # 09CR1014 in Sedgwick County, Kansas, including but not limited to urine drug screens and monthly check-ins with her probation officer.
 - i. Respondent shall cause the submission of quarterly reports indicating the status of her compliance/non-compliance with her probation in case # 09CR1014. These reports are due by the 10th day of every third month, beginning the next month after signing this Final Order and Consent Agreement and ending upon the completion of her probation.
 1. Respondent's probation officer shall submit the probation reports to the Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 1051, Topeka, Kansas 66612-1230.
 - ii. Noncompliance with probation in case # 09CR1014 is a violation of this Agreement.
 - iii. Respondent will be deemed to have completed her probation when Respondent's probation officer issues written notification to the Board that Respondent has completed her probation in case # 09CR1014.
 - c. Respondent shall submit to random drug screens as determined or selected by the Board or by Respondent's probation officer. 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 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:
- i. Prior to Respondent securing employment that utilizes his or her nursing license, Respondent is to mail to the Kansas State Board of Nursing a statement indicating that Respondent has not yet secured employment which utilizes Respondent's nursing license. This statement is due by the 10th day of each month beginning the next month after signing this Final Order and Consent Agreement.
 - ii. Once Respondent is employed in a position that utilizes his or her nursing license, or if Respondent is currently employed in a position that utilizes his or her nursing license, a nursing performance report is due by the 10th day of every third Month until Respondent has caused the submission of four (4) separate nursing performance reports. These reports are due by the 10th day of every third month beginning the next month after signing this Final Order and Consent Agreement.
 - iii. The report shall be prepared and signed by Respondent's immediate supervisor or by an R.N. who evaluates Respondent's performance on a regular basis and be based on the following guidelines:
 1. Incorporation of information on facility letterhead stationary is required.
 2. Letter format is acceptable, with the date of the report identified.
 3. Evaluator's name, telephone number, address, license number and nursing credentials.
 4. Respondent's name, address, telephone number, license number.
 5. A short explanation of the Respondent's work performance in the following areas:
 - a. Standards met regarding facility policies and procedures.
 - b. Compliance with the Kansas Nurse Practice Act.
 - c. Supervisor evaluations.
 - d. Overall appropriateness.
 - e. Interactions with patients.
 - f. Interactions with staff and administration.
 - e. Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.
 - f. Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.
 - g. Respondent shall not violate the laws of the United States, of any 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.
 - h. 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.
 - i. All such notifications shall be made in writing within fourteen (14) days of such a change.
 - i. Respondent acknowledges and agrees that Respondent is responsible for the costs related to satisfying the conditions and requirements of this Final Order and Consent Agreement. Respondent further acknowledges and agrees that to provide the Board with false information regarding compliance with this Final

Order and Consent Agreement is a violation of this Final Order and Consent Agreement.

4. The 6/18/2009 Consent Agreement also states:
 - a. Respondent acknowledges and agrees that upon a first finding of Respondent not complying with any of the conditions or requirements of this Final Order and 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. Respondent acknowledges and agrees that all conditions and requirements of this Final Order and Consent Agreement remain in effect during the period of suspension.
 - b. Respondent acknowledges and agrees that upon a second or subsequent finding of Respondent not complying with any of the conditions or requirements of this Final Order and 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. Respondent acknowledges and agrees that all conditions and requirements of this Final Order and Consent Agreement remain in effect during the period of suspension.
 - c. Respondent acknowledges and agrees that upon the Stay of Suspension being lifted due to a finding of non-compliance with any of the conditions or requirements of this Final Order and 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 and has remained in compliance during the period of suspension, with all conditions and requirements of this Final Order and Consent Agreement. Upon the Respondent providing said written verification, the suspension will again be stayed.
5. On or about 12/12/2011, Respondent's intensive supervision officer, Julie Mueller, provided the Board with a quarterly probation report. Within the report, Julie Mueller stated, "She was terminated from employment at Sandpiper Bay Nursing home on 10/18/2011."
6. In a statement from Sandpiper Bay Nursing Home, Sandpiper Bay Nursing Home confirmed that Respondent was terminated on 10/13/2011.
7. Respondent did not inform the Board of her termination within 14 days, a violation of her 8/1/2011 Consent Agreement, paragraph 17(h).

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1120(a), 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, if the Respondent, licensee or

holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the Respondent violated the following provisions of the Nurse Practice Act:

- a. K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the Board, by KAR 60-3-110(r), failing to comply with any disciplinary order of the board.
2. K.S.A. 77-511(a)(2)(A) and K.S.A. 77-537 of the Kansas Administrative Procedure Act authorize the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and 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.

POLICY STATEMENT

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

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

1. Respondent's stay of suspension shall be lifted for a period of six months from the effective date of this Summary Order. Respondent is not allowed to practice nursing in the state of Kansas during the period of suspension.
2. Respondent's suspension will not again be stayed until Respondent has, following the six months of suspension, provided written verification to the Board that Respondent is in compliance with all conditions and requirements of the 8/1/2011 Consent Agreement.

Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, 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.

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.


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 13th day of December, 2011, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Gwyneth Jacobs
1851 N. Park Place Apt 1
Wichita KS 67203

Sean C. McEnulty
McEnulty Law Firm, P.A.
151 S. Whittier, Suite 1000
Wichita KS 67207



Danielle Sanger #24587
Assistant Attorney General