

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED
JUL 26 2011
KSBN

**IN THE MATTER OF
TAMMY L. EASTLAND
License No. 23-26613-101**

Case No. 08-767-7, 09-422-7

SUMMARY ORDER TO LIFT STAY ON SUSPENSION

Now this 20th day of July, 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 LPN license of Tammy L. Eastland by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Respondent is licensed to practice nursing in the state of Kansas through 10/31/2011. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 703 Shawnee St., Tonganoxie KS 66086.
3. On 3/23/2011, Respondent signed a Consent Agreement and Final Order with the Kansas Board of Nursing. The Board agreed it would not take additional disciplinary action against Respondent's nursing license as long as Respondent completed the conditions and requirements listed in her Consent Agreement.
4. The provision found in paragraph 18(d) of Respondent's Consent Agreement specifies that Respondent will continue to 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. Non-compliance with KNAP is a violation of this agreement.

5.

6. The provision found in paragraph 23 of Respondent's Consent Agreement states that Respondent acknowledges and agrees that upon a first finding of Respondent not complying with any of 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 this period of suspension. Respondent acknowledges and agrees that all conditions and requirements of this Consent Agreement remain in effect during the period of suspension.

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 citizens of Kansas.

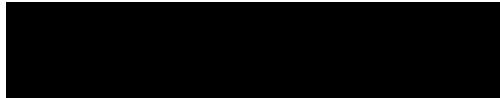
IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT:

1. **Respondent's stay of suspension shall be lifted for a period of one year 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 one year of suspension, provided written verification to the Board that Respondent is in compliance with all conditions and requirements of the 3/23/2011 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.



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

CERTIFICATE OF SERVICE

I certify that on the 26th day of July, 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:

Tammy Eastland
703 Shawnee St
Tonganoxie KS 66086



Danielle Sanger #24587
Assistant Attorney General

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BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

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MAR 17 2011
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IN THE MATTER OF
TAMMY L. EASTLAND
License No. 23-26613-101

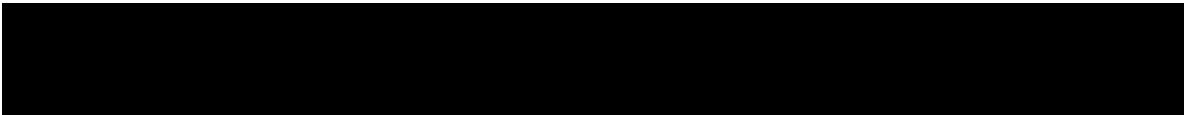
Case No. 08-767-7, 09-422-7

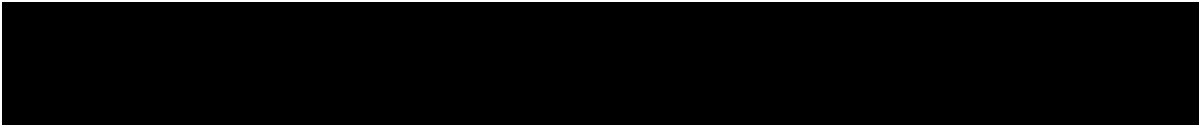
CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 23rd day of March 2011, the Kansas State Board of Nursing, represented by Assistant Attorney General, Danielle R. Sanger, and the Respondent, Tammy L. Eastland, 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 is licensed to practice nursing in Kansas through 10/31/2011. The Respondent agrees that the Board has jurisdiction over her and the subject matter of this action.
2. Respondent's address of record is 703 Shawnee St., Tonganoxie KS 66086.
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 and was subject to discipline pursuant to K.S.A. 65-1120(a) and referred this matter for further proceedings.
5. Respondent entered into a Diversion Agreement with the Board on 12/28/2009 to resolve investigative cases, 08-767-7 and 09-422-7.
6. On or about 10/27/2010, the Board received a statement from Respondent indicating she had been unemployed from 3/1/2010 through 10/2010.

7. 



a.



8. On or about 2/21/2011, the Board received certified documents from Lenexa Municipal Court showing that Respondent still had an active bench warrant for her 2005 case, #05-11340, for obstructing and resisting an officer.
 - a. Failing to surrender herself to the Lenexa Municipal Court and failing to complete her sentence in case #05-11340 is a violation of Respondent's Diversion Agreement, paragraph 6(h), and is behavior which demonstrates a manifest incapacity or incompetence to practice nursing.
9. On or about 2/23/2011, the Board received a statement from Respondent indicating she was still unemployed and had been since her 10/22/2010 letter.
 - a. Failing to send monthly statements indicating that Respondent had not yet secured employment utilizing her nursing license is a violation of Respondent's Diversion Agreement, paragraph 6(f).

CONCLUSIONS OF LAW

10. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew licenses 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.
11. The Respondent agrees that the Board has sufficient evidence to prove the following acts and/or conditions:

- a. K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (e) 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;
 - b. K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
12. 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 (KAPA) and the Kansas Judicial Review Act (KJRA). Respondent is waiving those rights and voluntarily entering into this agreement instead of proceeding to such a hearing.

POLICY STATEMENT

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

DISPOSITION

14. 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.
15. 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.

16. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the Respondent's license to practice nursing in Kansas is immediately suspended. The suspension will be stayed as long as the requirements and conditions of this agreement are met.
17. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the 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.
18. 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's license is suspended with a Stay. Respondent's license is limited.**
 - b. **Respondent shall have onsite supervision by a qualified nurse for a period of one year from the date that Respondent is employed in a position utilizing her nursing license.**
 - c. **Respondent will surrender herself to the Lenexa Municipal Court and complete her sentence in case number 05-11340 within 120 days of the date of this Consent Agreement. Respondent will provide the Board with certified copies from Lenexa Municipal Court showing that she completed her sentence in case number 05-11340 within 150 days of the date of this Consent Agreement.**
 - d. **Respondent will continue to 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. Noncompliance with KNAP is a violation of this agreement.

- e. 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.
 - i. Further, Respondent acknowledges that this agreement will be an open record pursuant to the Kansas Open Records Act, K.S.A 45-215 *et seq.*, and may be published or disseminated notwithstanding any state or federal law otherwise restricting public access to, or dissemination of, any personal, substance abuse treatment, or health care information contained herein.
- f. Respondent shall have a narcotic key restriction on Respondent's license for the first twelve (12) months after Respondent secures employment that requires a nursing license.
 - i. 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 twelve (12) 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 twelve (12) 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 from Respondent's license by order of the Board.

- g. 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.**
- h. The Respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order.**
- i. Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.**
- j. Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.**
- k. 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.**
- l. 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.

m. Respondent will 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 eight (8) separate nursing performance reports.
- 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 statement by the evaluator that Respondent is not employed in home health or private duty nursing.**
6. **A statement by the evaluator that Respondent is not employed in the capacity of a charge nurse and has on-site supervision at all times.**
7. **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.**

19. 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.

20. 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.

21. 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.
22. Respondent acknowledges and agrees that if any action based on failure to meet the conditions and requirements of this Consent Agreement is filed during the term of this Consent Agreement and Final Order, or within 30 days after the expiration date, the conditions of this Consent Agreement and Final Order shall continue in effect until the Board or a hearing/presiding officer designated pursuant to K.S.A. 77-514 and K.S.A. 77-526, rules on the action.
23. Respondent acknowledges and agrees that upon a first finding of Respondent not complying with any of the conditions or requirements of this Consent Agreement, the Stay of Suspension on 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 Consent Agreement remain in effect during the period of suspension.
24. Respondent acknowledges and agrees that upon a second or subsequent finding of Respondent not complying with any of the conditions or requirements of this Consent Agreement, Respondent's license to practice nursing in the State of Kansas shall be revoked.

25. 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 Consent Agreement, the Suspension will not again be Stayed until the Respondent has, following the one year 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 Consent Agreement. Upon the Respondent providing said written verification the suspension will again be stayed.
26. 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.
27. 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.
28. 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.
29. 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. The effective date of this Consent Agreement and Final Order is the date shown on the certificate of service.

30. 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.

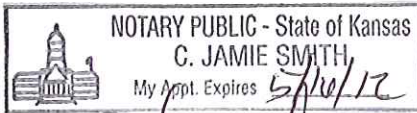
IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT AND FINAL ORDER.

IT IS SO ORDERED.

[Redacted signature area]

Tammy L. Eastland
Respondent
703 Shawnee St
Tonganoxie, KS 66086

Tammy L. Eastland must sign before a Notary Public.



[Redacted signature area]

Danielle R. Sanger, #24587
Assistant Attorney General

[Redacted signature area]

[Redacted signature area]

Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of March, 2011, I caused a copy of this CONSENT AGREEMENT AND FINAL ORDER to be mailed, first-class postage prepaid, to the following:

Tammy L. Eastland
703 Shawnee St
Tonganoxie, KS 66086



Danielle R. Sanger, #24587
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612