

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF THERESA EAGLEMAN

License No. 23-27436-022

Case No. 11-1499-8

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CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 26th day of September 2012, 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 proposed to find facts and take disciplinary action
against the Licensee by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Respondent, Theresa Eagleman is a licensee practicing nursing in Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Applicant's address of record is 2112 SE Adams, Topeka, Kansas 66605. This case was submitted to the Investigative Committee on the 11th June, 2012.
4. Review of the investigation and other information gathered by the Board revealed the following information upon which this action is based.
5. 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.
6. 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.

7. (a) A petition was filed July 18th, 2012 to take disciplinary action against the licensee.

8. The below incidents are violations of the nurse practice act. The Respondent agrees that the board is prepared to prove that respondent has committed these violations.

Respondent has violated the Kansas Nurse Practice Act as follows:

9 The facts below are common to all counts:

(a) While employed by Topeka Community Health Care Center, Topeka, Kansas it is alleged that when the count was off, you documented that you had given morphine when you said that you had not given it.

(b) This incident allegedly occurred on or about July 28th, 2011.

10. 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

11. 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.

12. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

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. Upon the parties entering into this Final order and Consent Agreement and with the respondent having met all statutory requirements for approval of respondent's request for Kansas Nursing license, the respondent's application for Kansas Nursing license will be suspended for one (1) year with a stay of that suspension provided that licensee complies with the terms and conditions 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 this Final Order and 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 Final Order and Consent Agreement remaining in effect until Respondent completes each of the conditions and requirements of this agreement.

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 suspended for one (1) year with a stay of that suspension.

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

(b) Respondent shall not violate the Kansas Nurse Practice Act.

(c) 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.

(d) 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.

(e) That applicant's supervisor submit (4) quarterly reports to the Board regarding licensee's progress on the employer's letterhead and signed by the supervisor during the next one (1) year following the signing of this agreement beginning October 10th, 2012 and continuing on the 10th of each third month until eight (4) reports are submitted.

(f) Not Practice in unsupervised Positions

(g) The respondent will complete three (3) hours of Continuing Nurses Education (CNE) on the topic of "Kansas Nurse Practices Act" and three (3) hours of Continuing Nurses Education (CNE) on the topic of Nursing Ethics. Respondent is to submit the original certificates for proof of the completion of the hours within 90 days of this agreement. Respondent may not use these hours to meet the CNE requirements of any renewal period.

(h) Respondent must submit to drug and alcohol evaluation by KNAP and follow their recommendations.

19. 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.

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 Final Order and 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 Final Order and 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 Final Order and Consent Agreement is filed during the term of this Final Order and Consent Agreement, or within 30 days after the expiration date, the conditions of this Final Order and Consent Agreement 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 finding of Respondent not complying with any of the conditions or requirements of this Final Order and Consent Agreement the Suspension of Respondent's license to practice nursing in the State of Kansas, shall be 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.

24. Respondent acknowledges and agrees that the Suspension will be entered 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 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 be stayed.

25. 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.

26. 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.

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

28. By signing this Final Order and Consent Agreement, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This Final Order and Consent Agreement 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 Final Order and Consent Agreement is the date shown on the certificate of service.

29. 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 FINAL ORDER AND
CONSENT AGREEMENT.

IT IS SO ORDERED.

Respondent
Theresa Eagleman
2112 SE Adams Street
Topeka, Kansas 66607

[Signature] must sign before a Notary Public.

DIAnna Little
NOTARY PUBLIC
STATE OF KANSAS
MY APPT. EXPIRES 2-4-13

[Signature]
Robert E. Duncan II
212 SW 8th Ave, Suite 202
Topeka, Kansas 66603
Attorney for Respondent

[Signature]
Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

[Signature]
Sandra Sharon, Presiding Officer

Pursuant to K.S.A. 77-527, either party may request a review of this final order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed with 15 days from the date this final order was served. Failure to timely request a reconsideration by the Kansas State Board of Nursing may preclude further judicial review. The petition for reconsideration shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

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

Pursuant to K.S.A. 77-530, if a request for reconsideration is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 28th day of September, 2012, I mailed a copy of this FINAL ORDER AND CONSENT AGREEMENT to:

Theresa Eagleman
2112 SE Adams Street
Topeka, Kansas 66607

Robert E. Duncan II
212 SW 8th Ave, Suite 202
Topeka, Kansas 66603



Michael R. Fitzgibbons, #1228
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612