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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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**IN THE MATTER OF JENNIFER L. GUSS**

MAR 21 2014

**License No 23-28408-062**

KSBN

**Case No. 13-1600-6**

**INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE**

NOW ON THIS 18<sup>th</sup> day of March, 2014, the Kansas State Board of Nursing, represented by Assistant Attorney General, Michael R. Fitzgibbons, and the Licensee, Jennifer L. Guss, 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**

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee is licensed to practice nursing in Kansas through June, 2014 The Kansas State Board of Nursing (KSBN) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is 734 Burke Street. Fort Scott, Kansas 66701..
3. 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.
4. The Board has requested that a petition be filed to take disciplinary action against the licensee's license.

5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).

6. Licensee has the right to these hearings and the right to seek review of the findings from the hearings in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Licensee is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

7. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.

8. (a) A petition was filed to take disciplinary action against the licensee's license as authorized by the Board on the 31<sup>st</sup> day of December, 2013. The Petition alleged:

(b) According to the report, it is alleged that while licensee was employed by Girard Medical Center, Girard, Kansas, licensee was unable to perform her duties due to change in Mental affect.

(c) After a second occurrence of similar behavior, a UDS was done on licensee.

(d) The UDS came positive for cannabis.

(e) Licensee was terminated on the 31<sup>st</sup> day of July, 2013 for violation of substance abuse policy.

(f) Employer referred licensee to KNAP and licensee signed a one year agreement on the 22<sup>nd</sup> day of August, 2013.

(g) KNAP case was closed for failure to set up an Affinity Account on the 11<sup>th</sup> day of September, 2013.

(h) Investigative Letter was sent on the 5<sup>th</sup> day of November 2013 and there has been no response.

(i) Licensee wishes to surrender her license.

### 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(a) is established.

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

Count 1: K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

Count 2: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 3: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

Count 4 K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

### POLICY STATEMENT

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

### DISPOSITION

12. Based upon this agreement and final order, the parties agree that Licensee is surrendering licensee's license to practice nursing in the state of Kansas.

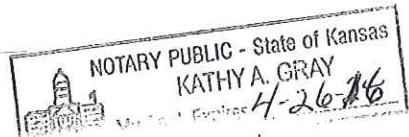
13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Licensee's license to practice nursing in Kansas is immediately revoked. Licensee shall not practice nursing in the state of Kansas.

14. Upon signing this agreement and returning it to the Board, licensee shall return licensee's license card with the agreement.
15. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document shall be kept in the Board's agency file. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Consent Agreement to Surrender and Revoke is the date shown on the certificate of service.
16. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.
17. 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.
18. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this FINAL ORDER AND  
 CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE .

IT IS SO ORDERED  
 [Redacted Signature]  
 Re: [Redacted]  
 Jennifer L. Guss  
 734 Burke Street  
 Fort Scott, MO  
 [Redacted Signature]  
 Mi: [Redacted]  
 As: [Redacted]  
 Kansas State Board of Nursing  
 Landon State Office Building  
 900 SW Jackson #1051  
 Topeka, KS 66612

3-10-14 must sign before a Notary Public.



*Kathy A. Gray*



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.


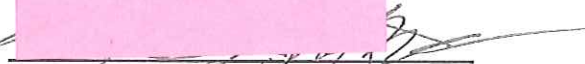
Pursuant to K.S.A. 77-531, if the final order is served by mail, three days are added to the time limits set out above.

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 31<sup>st</sup> day of March, 2013 I mailed a copy of this FINAL ORDER AND CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE to:

Jennifer L. Guss  
734 Burke Street  
Fort Scott, Kansas 66701

  
  
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Michael R. Fitzgibbons #12287  
Assistant Attorney General