

Filed  
SEP 24 2004  
Board of Nursing

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

IN THE MATTER OF  
**MARY WUEST**  
LICENSE NO. 23-30043-112

**CASE NO. 03-384-2**

**CONSENT AGREEMENT TO SUSPEND LICENSE AND FINAL ORDER**

NOW ON THIS 14th day of SEPTEMBER 2004, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Mary Wuest, enter into the following agreement:

1. Respondent is licensed to practice nursing in Kansas as an L.P.N. through 11/30/2004.
2. Respondent's address of record is 516 N. Grant, Norton, KS 67654, but recently moved to 5648 E. Road, Nebraska City, NE 68410.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act and referred this matter for further proceedings.
4. 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.

**AGREED FINDINGS OF FACT**

5. The respondent has a history of marijuana use. She was terminated from employment on 7/17/03 from the Norton County Hospital for a positive urine drug screen for marijuana. From this incident she was referred by the board for a chemical dependency evaluation and to KNAP. She enrolled in KNAP in January 2004. On or about 3/30/04 KNAP reported another positive UDS for marijuana, and then on 6/3/2004 the board received notification from KNAP that her case was closed due to her failure to complete a re-evaluation after her positive UDS,

she has not set up a UDS collector in Nebraska, no 12 step meetings documented, and no contact with the Nebraska Licensee Assistance Program after moving to Nebraska.

6. She was also reported for working on a lapsed license, unlicensed practice in 2002 and 2003. The licensee has paid her fine for this to the board. On her July 18, 2003 reinstatement application, she failed to report multiple driver's license suspensions.

7. She has a past history of driving under the influence, Case 02TR63 from Norton County was a diversion for a DUI resulting in her taking a drug/alcohol safety program, and payment of fines, the fines have been paid.

8. Respondent understands that the Board has evidence of a violation of the nurse practice act at:

COUNT 1- K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

COUNT 2- K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (s) failing to complete the requirements of the impaired provider program of the board.

9. 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.

10. 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.

## POLICY STATEMENT

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

## DISPOSITION

12. 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(b) and K.S.A.77-501 *et seq.* and to judicial review.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the license will be **suspended and the action will continue through any renewal periods**. The license will be suspended until she agrees and does the following:

a. Licensee agrees that if she returns to Kansas she shall notify the legal division of the board and participate in and complete the recommendations and requirements of the **Kansas Nurses Assistance Program (KNAP)**; sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report information to the board. If she is licensed in any other state, she must enter and participate in the impaired provider program in that state within 30 days of entering the state and becoming licensed there.

b. The licensee must enroll and remain compliant with the impaired provider program in Nebraska, or KNAP in Kansas, or any other state impaired provider program where she chooses to be licensed. She must provide a copy of her enrollment agreement to the legal division of the board, and she must provide a copy of this agreement to her program. If she is noncompliant, a letter from her provider program should be mailed to the legal division of the Board of Nursing in Kansas.

c. Licensee shall send a **money order for \$70** to the Board upon entering into this agreement.

d. Licensee **shall return current Ks. license card with this agreement**.

e. Licensee is responsible for the costs related to satisfying these conditions.

14. Suspension can be stayed and she can practice nursing if the impaired provider program sends a letter to the legal division stating she is "safe to practice nursing." If this letter is received the petitioner will draft an Agreed Order for a Stay of Suspension, she will then be allowed to practice nursing under the provisions of the impaired provider program.

15. Licensee agrees to notify the Legal Division of any changes in his/her address and phone number as well as all nursing employment terminations or employer changes or additions. All such notifications shall be made within fourteen (14) days of such a change, address correspondence to: Legal Division, Ks. State Board of Nursing, LSOB, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

16. Licensee shall immediately notify the Legal Division of any use of illegal or controlled substances, or any violation of this Consent Agreement and Final Order.

17. The Board will inactivate this case file once licensee satisfies this agreement.

18. This agreement does not prohibit the agency from taking disciplinary action against licensee's license for any additional or cumulative violation of the Nurse Practice Act committed by the licensee before or after this agreement is entered into. If licensee does not meet these requirements, petitioner will file a motion to lift the stay and may request additional sanctions against licensee's license or application for a license. Licensee would be sent notice of such action and would be entitled to a hearing as to whether he/she had complied with this agreement, but he/ she could not contest the established violation(s).

19. The parties understand and acknowledge that this is a disciplinary action, it will be in the newsletter and on the website. The original of this agreement shall be placed in the Agency Record and is a public record.

20. By signing this Consent Agreement, respondent acknowledges that he/she has read and understands the entire document, and agrees to be bound by its terms. This Consent

Agreement constitutes the entire agreement of the parties and may not be modified except in writing and approved by all parties.

**IN CONCLUSION**


21. This case will be inactivated and a card with no suspension will be issued when:

- a) When the IPP program she enters or KNAP issues a letter stating she had successfully completed their program;
- b) cost of \$70 is paid.
- c) No further violations of the Nurse Practice Act are reported.

Once all of above are met , the licensee may request that a new card be issued by sending the request in writing and return the license card with the "S" to the Board, if all requirements are met a new card will be issued with no restrictions.


**IN WITNESS WHEREOF**, the parties hereto execute this Consent Agreement to

Suspend License and request a Final Order.

  
Mary  
Licensee  
5648 E. Road  
Nebraska City, NE 68410

  
Betty Wright, Assistant Attorney General  
900 SW Jackson, Suite 1051  
Topeka, Kansas 66612-1230  
(785) 296-7047


**IT IS SO ORDERED.**

  
Terry Beck  
Hearing Officer

**CERTIFICATE OF SERVICE**

On the 31<sup>st</sup> day of September, 2004, I caused a copy of this document to be mailed, postage prepaid, to:

Mary Wuest  
5648 E. Road  
Nebraska City, NE 68410

  
Betty Wright, Assistant Attorney General

SEP 31 2004