

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
CRYSTAL D. RYAN
License No. 23-30982-112**

Case No. 06-618-9, 08-1150-8

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CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 26th day of April 2010, the Kansas State Board of Nursing, represented by Assistant Attorney General Brenda J. Clary, and the Respondent, Crystal D. Ryan, hereby enter into this agreement and proffer evidence and the hearing officer adopts the findings of fact and recommended disposition and enters a final order.

AGREED FINDINGS OF FACT

1. Respondent is licensed to practice nursing in Kansas through the 30th day of November 2010.
2. Respondent's address of record is 16915 NW 1800th Road, Garnett, Kansas 66032.
3. 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. Respondent acknowledges and understands her right, pursuant to K.S.A. 77-523, to respond, present evidence and argument, conduct cross-examination of witnesses, and submit rebuttal evidence, and Respondent explicitly waives those rights and voluntarily enters into this agreement instead of proceeding to such a hearing.
5. Respondent further waives all possible substantive and procedural motions and defenses that could be raised during an administrative hearing process pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*
6. Respondent acknowledges and understands that, pursuant to K.S.A. 77-527, she would have the right to seek review of an initial order by filing a petition for review by the agency head, addressed to Mary Blubaugh, Executive Director, Kansas State Board of Nursing, within fifteen

(15) days of the date an initial order is served. Respondent expressly waives review, and the parties agree to the entry of a final order by a presiding officer designated pursuant to K.S.A. 77-514 and K.S.A. 77-527 to act on behalf of the Board.

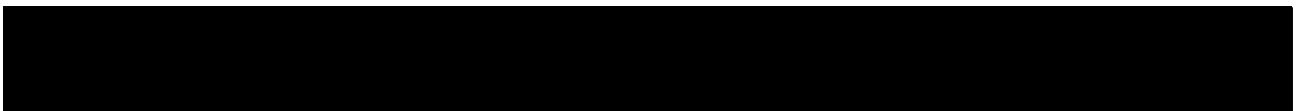
7. Respondent acknowledges and understands that, pursuant to the Kansas Judicial Review Act (KJRA), K.S.A. 77-601 *et seq.*, she would have the right to seek judicial review of an adverse final agency action by filing a petition for review with the district court within 30 days after service of a final order and serving the petition on Mary Blubaugh, Executive Director, Kansas State Board of Nursing. Respondent expressly waives judicial review.

8. Respondent acknowledges and understands that, upon signature by the parties and the presiding officer, 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 or health care information, or any information or records of substance abuse evaluation and/or treatment contained herein.

9. The parties agree that, after an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent was subject to discipline pursuant to K.S.A. 65-1120(a), or had otherwise violated the Nurse Practice Act, and referred this matter for further proceedings.

10. The parties agree that Summary Order was served March 26, 2010, proposing to suspend Respondent's nursing license, and that the time for requesting a hearing expired one day before Respondent filed her request and that good cause exists to vacate the order.

11. The parties agree that the Board could present sufficient evidence to support the following facts alleged in the Summary Order:



b)

[REDACTED]

12. The parties further agree that those facts would support the following grounds for disciplinary action:

- a) K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.
- b) K.S.A. 65-1120(a)(3), Professional Incompetency as defined 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.

CONCLUSIONS OF LAW

13. 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 upon

making any of the findings listed under K.S.A. 65-1120(a), or may levy administrative fines consistent with K.S.A. 74-1110, if any other violation of the Kansas Nurse Practice Act is established.

14. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.

15. The Board may limit, suspend or revoke Respondent's license to practice nursing on the following grounds:

a) K.S.A. 65 1120(a)(4), as Respondent is, or recently has been, unable to practice with skill and safety due to current abuse of drugs or alcohol and has not yet demonstrated rehabilitation; and

b) K.S.A. 65-1120(a)(3), Professional Incompetency as defined by K.S.A. 65-1120(e)(3), as Respondent's depression and anxiety, as well as a recent suicide attempt, coupled chemical dependence demonstrate a manifest incapacity or incompetence to practice nursing, and Respondent has not yet demonstrated rehabilitation.

16. 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.

POLICY STATEMENT

17. The role of the Kansas State Board of Nursing is to protect citizens of Kansas, and the proposed disposition serves that goal.

DISPOSITION

18. Upon filing of this Consent Agreement, the Summary Order served March 26, 2010, and effective April 14, 2010, will be vacated.

19. 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.

20. 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.

21. 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.

22. The Kansas State Board of Nursing will not take additional disciplinary action against Respondent's nursing license for the conduct and characteristics described above as long as Respondent completes each of the following conditions and requirements:

(a) Respondent shall return her current license card to the Board with this Consent Agreement. Respondent shall receive a license card which shall be issued with an "S" placed in the status code portion of the license card to indicate that the license is suspended with a Stay. The card will have an "L" indicating the limitations on the practice.

(b) Respondent will continue to participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP) and 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.

(c) Respondent must submit to random drug screens as determined by the Board or by KNAP. The costs of the drug screens will be paid by Respondent. Respondent agrees that a Positive Drug Screen is a violation of this agreement.

(d) Respondent shall have a narcotic key restriction on her license for the first six (6) months after Respondent secures employment that requires a nursing license. The narcotic key restriction prohibits Respondent from passing of narcotics, wasting of narcotics or having access to narcotics. The narcotic key restriction also prohibits Respondent from supervising nurses or others who have access to narcotics. After Respondent completes six (6) 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, that Respondent has been employed in a position that requires a nursing license; Respondent has held that position for at least six (6) months; and Respondent has not passed, wasted, had access to, or supervised others who had access to narcotics. With a showing that Respondent has complied with the narcotic key restriction term of this agreement and Respondent is compliant with all other terms of this agreement, the narcotic key restriction will be removed from Respondent's license.

(e) 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.

(f) Respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order.

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

(h) Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.

(i) 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 agreement.

(j) 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.

23. 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.

24. If Respondent does not satisfy these conditions and requirements, the Kansas State Board of Nursing may seek 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 findings listed in this agreement.

25. 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 Respondent and 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 Respondent's responsibility to contact her attorney, if any, in reference to the action.

26. 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.

27. Respondent acknowledges and agrees that upon a first finding that Respondent has failed to comply 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 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 Consent Agreement remain in effect during the period of suspension.

28. Respondent acknowledges and agrees that upon a second or subsequent finding that Respondent has failed to comply 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 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.

29. Respondent acknowledges and agrees that if the Stay of Suspension is 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 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 Consent Agreement. Upon the Respondent's providing said written verification, the suspension will again be stayed.

30. The Board will inactivate this case file once Respondent satisfies this agreement. This agreement does not prohibit the Board 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.

31. This agreement is a disciplinary action 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.

32. 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.

33. 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.

34. 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.


Crystal D. Ryan must sign before a Notary Public

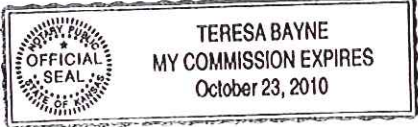


Crystal D. Ryan
Respondent
316 SW Watson
Topeka, KS 66606

State of Kansas)
County of Franklin)

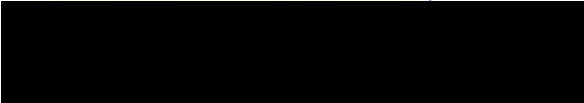
This instrument was acknowledged and signed before me by Crystal Ryan on the 23rd day of April 2010.


(Notary's signature)



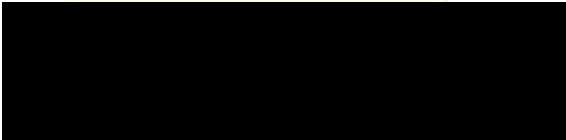
My appointment expires _____

Prepared by



Brenda J. Clary, #18770
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

IT IS SO ORDERED.

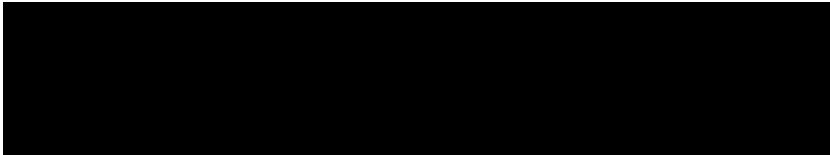


Presiding Officer

CERTIFICATE OF SERVICE

On the 28th day of April, 2010, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Crystal D. Ryan
316 SW Watson
Topeka, KS 66606



Brenda J. Clary, #18770
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612