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

IN THE MATTER OF
ERICA N. BOWLEY
License No. 23-37425-122

Case No. 10-1621-4, 08-435-4

FILED
SEP 29 2011
KSBN

AMENDED FINAL ORDER
AND CONSENT AGREEMENT

NOW ON THIS 28th day of September, 2011, the Kansas State Board of Nursing, represented by Assistant Attorney General, Danielle R. Sanger, and the Respondent, Erica N. Bowley, 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 12/31/2012. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 226 E 16th Ave., Hutchinson KS 67501-5524.
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. Respondent acknowledges that this agreement is an open record pursuant to the Kansas Open Records Act, K.S.A 45-215 *et seq.*, and may be published or disseminated.
5. The Kansas State Board of Nursing shall examine, license and renew licenses of duly qualified applicants under the authority of K.S.A. 74-1106 *et seq.* Under the authority of K.S.A. 65-1120, the Kansas State Board of Nursing may deny, revoke, limit or suspend a license or authorization to practice nursing or may issue a public or private censure

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and levy administrative fines, consistent with K.S.A. 74-1110; if a violation of K.S.A. 65-1120 is established.

6. On or about 06/2008, Respondent was initially licensed as an LPN in the state of Kansas. Per her initial application, Respondent was convicted of a misdemeanor on or about 07/2002.
7. In a letter dated 05/15/2008, Respondent was informed that since she reported the misdemeanor conviction with her initial application for LPN licensure, she was required to answer "yes" to the misdemeanor conviction question on any/all future nursing applications submitted to the KSBN.
8. On or about 12/29/2010, Respondent submitted a renewal application to practice nursing in the state of Kansas.
9. On her renewal application, Respondent answered "No" to the question regarding whether she had ever been convicted of a misdemeanor.
10. In a letter dated 1/10/2011, Respondent was informed that she had answered "No" to the question regarding whether she had ever been convicted of a misdemeanor. Respondent was informed that she needed to contact the Board by 1/14/2011 if she wanted to complete a two (2) hour CNE on the Kansas Nurse Practice Act instead of facing possible disciplinary action.
11. On or about 2/7/2011 and 2/15/2011, Board investigator Karen Peschka attempted phone contact with Respondent after not receiving a response to the 1/10/2011 letter.
12. Respondent did not contact the Board.
13. The above incidents are violations of the Nurse Practice Act. The Respondent agrees that the Board is prepared to prove that Respondent has violated:
 - a. Count 1: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;

b. Count 2: 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(t), failing to furnish the board, its investigators, or its representatives with any information legally requested by the board.

14. 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 Judicial Review Act. Respondent is waiving those rights and voluntarily entering into this agreement instead of proceeding to such a hearing.

CONCLUSIONS OF LAW

15. 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 deny, revoke, limit or suspend 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.

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

- a. Count 1: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;
- b. Count 2: 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(t), failing to furnish the board, its investigators, or its representatives with any information legally requested by the board.

POLICY STATEMENT

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

DISPOSITION

18. 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.
19. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this AMENDED 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 AMENDED FINAL ORDER AND CONSENT AGREEMENT 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 with a stay.
21. 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 immediately suspended with a stay.**
 - b. **Respondent shall complete a 2 hour CNE on "Kansas Nurse Practice Act" and submit an original certificate of completion within 60 days of the date of the Consent Agreement.**
 - c. **Respondent shall complete a 3-6 hour CNE on "Disciplinary Actions" and submit an original certificate of completion within 60 days of the date of the Consent Agreement.**
 - d. **Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.**

- e. Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.
- f. 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.
- g. 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.
 - i. All such notifications shall be made in writing within fourteen (14) days of such a change.
- h. Respondent acknowledges and agrees that Respondent is responsible for the costs related to satisfying the conditions and requirements of this AMENDED FINAL ORDER AND CONSENT AGREEMENT. Respondent further acknowledges and agrees that to provide the Board with false information regarding compliance with this AMENDED FINAL ORDER AND CONSENT AGREEMENT is a violation of this AMENDED FINAL ORDER AND CONSENT AGREEMENT.

22. 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 AMENDED FINAL ORDER AND CONSENT AGREEMENT, but Respondent could not contest the violations listed in this agreement.

23. All parties understand that if an action based on failure to meet the conditions and requirements of this AMENDED 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.

24. Respondent acknowledges and agrees that if any notice based on failure to meet the conditions and requirements of this AMENDED FINAL ORDER AND CONSENT AGREEMENT is filed during the term of this AMENDED FINAL ORDER AND CONSENT AGREEMENT, or within 30 days after the expiration date, the conditions of this AMENDED FINAL ORDER AND CONSENT AGREEMENT shall continue in effect until the Board takes final action in the proceeding.
25. Respondent acknowledges and agrees that upon a first finding of Respondent not complying with any of the conditions or requirements of this AMENDED FINAL ORDER AND 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 AMENDED FINAL ORDER AND CONSENT AGREEMENT remain in effect during the period of suspension.
26. Respondent acknowledges and agrees that upon a second or subsequent finding of Respondent not complying with any of the conditions or requirements of this AMENDED FINAL ORDER AND 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 AMENDED FINAL ORDER AND CONSENT AGREEMENT remain in effect during the period of suspension.
27. 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

AMENDED FINAL ORDER AND 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 AMENDED FINAL ORDER AND CONSENT AGREEMENT. Upon the Respondent providing said written verification, the suspension will again be stayed.

28. 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.
29. 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.
30. After successful completion of all of the conditions and requirements of this AMENDED FINAL ORDER AND CONSENT AGREEMENT by the Respondent, the AMENDED FINAL ORDER AND CONSENT AGREEMENT will be satisfied and the case will be inactivated.
31. By signing this AMENDED 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 AMENDED 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 AMENDED FINAL ORDER AND CONSENT AGREEMENT is the date shown on the certificate of service.

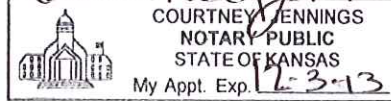
32. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

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

IT IS SO ORDERED

[REDACTED]

Erica Bowley
Respondent
226 E 16th Ave
Hutchinson, KS 67501



Erica Bowley must sign in front of a notary public.

[REDACTED]

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

[REDACTED]

Sandra Sharon, Presiding Officer

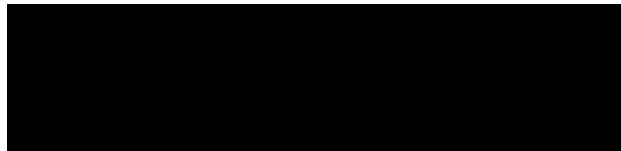
Pursuant to K.S.A. 77-527, either party may request a review of this final order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed within 15 days from the date this final order was served. Failure to timely request a reconsideration 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.

CERTIFICATE OF SERVICE

I certify that on the 29th day of September, 2011, the foregoing copy of the AMENDED FINAL ORDER AND CONSENT AGREEMENT was deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Erica Bowley
226 E 16th Ave
Hutchinson, KS 67501



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