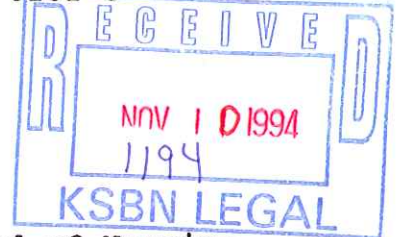


BEFORE THE KANSAS STATE BOARD OF NURSING  
LONDON STATE OFFICE BUILDING  
900 S.W. JACKSON RM 551-S  
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF: )  
 )  
SHARON BLOMQUIST )  
LICENSE NO.23-003888-041 )

CASE NO. 93-0232-8



CONSENT AGREEMENT AND FINAL ORDER

COMES NOW the Petitioner, the Kansas State Board of Nursing, hereinafter referred to as the "Board", by and through Assistant Attorney General Mark S. Braun, and the Respondent, Sharon Blomquist, by and through her counsel, Terry J. Solander, Attorney at Law, Garnett, Kansas and respectfully request the Board, or its designee, to approve this Consent Agreement and Final Order as the resolution in this case. By entering into this Consent Agreement and Final Order, both parties waive their right to a full administrative hearing pursuant to K.S.A. 65-1120(b) and K.S.A. 77-523. This Consent Agreement and Final Order affects the Respondent's license to practice as a licensed practical nurse (L.P.N.) in Kansas.

**AGREEMENT**

It is the intent and purpose of this Consent Agreement and Final Order to provide for settlement of all issues currently before the Board without the necessity of a formal hearing. Respondent, with the advice of counsel, knowingly and intelligently waives her right to a hearing on the issues currently before the Board relating to a her license. The parties agree as follows:

1. Both parties to this Agreement acknowledge that the Board received information and conducted an investigation as to whether Respondent violated the Kansas Nurse Practice Act. Based on that investigation, there are reasonable grounds to believe Respondent violated the Act. Respondent's attorney was provided factual and documentary information regarding the specific counts stated in the Petition.

2. Respondent, with advice of counsel, acknowledges and understands that: she has the right to a full and fair hearing on the allegations made by the Petitioner. At such hearing, the Petitioner would be required to present witnesses and evidence in support of the allegations. Respondent, through counsel, has the opportunity to cross-examine Petitioner's witnesses. Respondent, through counsel, has the opportunity to present witnesses and evidence on her behalf. The matter would be decided on the evidence presented and a decision would include findings of fact and conclusions of law. Respondent has the right to seek reconsideration of any adverse order issued by the Board and the right to seek judicial review of any adverse Board order or decision. Respondent, with the advice of counsel, understands that by entering into this Consent Agreement and Final Order, she is waiving all of the above-mentioned rights.

3. In lieu of proceeding to a full hearing, Respondent stipulates to Count I of the Petition. Respondent, with the advice of counsel, understands that by stipulating to that count, she is

admitting to a violation of the Kansas Nurse Practice Act. The parties agree that Count II will be dismissed.

4. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, the following action will be taken against Respondent's license to practice as a licensed practical nurse (L.P.N.):

A. Respondent shall obtain six (6) additional hours of continuing nursing education. Three (3) of those hours are to be in the area of the use of communication or cooperation in the practice of nursing and/or a topic relating to the importance of following policies and procedures in the nursing setting. The other three (3) hours are to be in the area of nursing and the law. These six (6) additional hours must be pre-approved by the Board's practice specialist. These six (6) hours are in addition to, and not to be counted toward, the thirty (30) hours of mandatory continuing nursing education required for Respondent's license renewal in April, 1995. Proof of earning the hours shall be submitted to the Board's practice specialist within ten (10) days of taking the classes, but no later than March 1, 1995.

B. Respondent shall pay one-hundred (\$100.00) dollars to the State of Kansas as a fine within ninety (90) days of the date the Consent Agreement and Final Order is approved by the Board or its designee. The fine is payable to the State of Kansas by cashier's check or money order. That fine should be sent to the Board, but shall be deposited in the State's general fund.

C. Respondent shall pay thirty-five (\$35.00) in costs to the Board of Nursing within ninety (90) days of the date the

Consent Agreement and Final Order is approved by the Board or its designee.

5. By signing this Consent Agreement and Final Order, Respondent acknowledges she has read the entire document; that she has obtained counsel who advised her in this matter and that she is satisfied with the representation in this matter and agrees to be bound by this document.

6. Should the Board, or its designee, modify or change the Consent Agreement and Final Order in any manner unsatisfactory to either party, either party may withdraw its consent and the matter will proceed to hearing. Further, if the Consent Agreement and Final Order, as signed by the parties, is not acceptable to the Board, or its designee, neither party shall be bound to any representations made in this agreement.

7. Respondent and her counsel acknowledge they have received the factual and documentary information relating to the count stated in the Petition. The parties to this Agreement and Order further agree that if any changes are made as stated in paragraph 6 of this Agreement, Respondent and her counsel shall receive notice of a hearing and will be provided sufficient time to prepare for the hearing.

#### FINDINGS OF FACT

1. Respondent is licensed to practice as a licensed practical nurse (L.P.N.) in the State of Kansas, having been issued license number 23-003888-041, with an expiration date of April 30, 1995.

2. The Board received information and conducted an investigation into alleged violations of the Kansas Nurse Practice Act by the Respondent.

3. The Board found there were reasonable grounds to believe Respondent violated the Kansas Nurse Practice Act.

4. On or about February 26, 1993, Respondent failed to take appropriate action or to follow procedures and policies designed to safeguard the patient in violation of K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(a)(3), by failing to timely notify the family of a resident, and the physician of the resident, of a change in the resident's condition.

5. Respondent, with the advice of counsel, stipulates and admits to Count I as contained in the Petition.

6. In lieu of proceeding to a full administrative hearing, the parties have agreed to enter into and be bound by this Consent Agreement and Final Order.

7. The Parties understand and acknowledge that, pursuant to K.S.A. 45-215 et seq., the signed original of the Consent Agreement and Final Order shall remain in the custody of the Board as a public record.

#### CONCLUSIONS OF LAW

1. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter pursuant to K.S.A. 65-1120.

2. Respondent is represented by counsel. Through the advice of counsel, Respondent is aware of her rights under the United States and Kansas Constitutions, the Kansas Nurse Practice Act and

the Kansas Administrative Procedures Act. Based on the knowledge of her rights and advice of counsel, Respondent has knowingly, intelligently, and voluntarily waived her rights and entered into this Consent Agreement and Final Order. In lieu of proceeding to a full administrative hearing, Respondent waives her rights to: an adjudicative administrative hearing in which the evidence and witnesses would be presented; cross-examination of those witnesses against her; the opportunity to present witnesses and evidence on her behalf; a decision by the Board or its designee based on the evidence; findings of facts and conclusions of law; the right to seek reconsideration by the Board of any adverse decision and the right to seek judicial review by a district court of any adverse decision by the Board.

3. Respondent has stipulated and admitted to Count I contained in the Petition. Based on that stipulation, Respondent has violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

4. Respondent is guilty of unprofessional conduct in that on or about February 26, 1993, she failed to follow procedures and policies designed to safeguard the patient, in violation of K.S.A. 65-1120(a)(6), as defined K.A.R. 60-3-110(a)(3).

5. Respondent has violated the Kansas Nurse Practice Act as specified in paragraph 4 above, and is subject to disciplinary action by the Board.

6. Count II is dismissed by agreement of the parties.

7. The Petitioner, with the advice of counsel, and Respondent have entered into this Consent Agreement and Final Order

which, when signed by both parties and the Board or its designee, will be binding on the parties and the Board.

**FINAL ORDER**

WHEREFORE, based on the foregoing Agreement, Findings of Fact and Conclusions of Law, IT IS THEREFORE ORDERED:

Pursuant to the disciplinary remedies available in K.S.A. 65-1120, the following action will be taken against Respondent's license to practice as a licensed practical nurse (L.P.N.):


A. Respondent shall obtain six (6) additional hours of continuing nursing education. Three (3) of those hours are to be in the area of the use of communication or cooperation in the practice of nursing and/or a topic relating to the importance of following policies and procedures in the nursing setting. The other three (3) hours are to be in the area of nursing and the law. These six (6) additional hours must be pre-approved by the Board's practice specialist. These six (6) hours are in addition to, and not to be counted toward, the thirty (30) hours of mandatory continuing nursing education required for Respondent's license renewal in April, 1995. Proof of earning the hours shall be submitted to the Board's practice specialist within ten (10) days of taking the classes, but no later than March 1, 1995.

B. Respondent shall pay one-hundred (\$100.00) dollars to the State of Kansas as a fine within ninety (90) days of the date the Consent Agreement and Final Order is approved by the Board or its designee. The fine is payable to the State of Kansas by


cashier's check or money order. That fine should be sent to the Board, but shall be deposited in the State's general fund.

C. Respondent shall pay thirty-five (\$35.00) in costs to the Board of Nursing within ninety (90) days of the date the Consent Agreement and Final Order is approved by the Board or its designee.

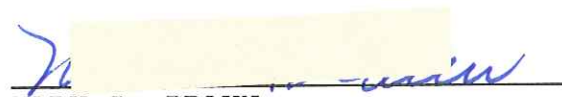
IN WITNESS WHEREOF, the parties hereunto execute this Consent Agreement and Final Order:

  
Sharon Blomquist  
Respondent

11-8-94  
DATE

  
Terry J. Solander 9280  
Attorney for the Respondent

11-7-94  
DATE

  
MARK S. BRAUN  
Assistant Attorney General  
Board Disciplinary Counsel

11-10-94  
DATE

WHEREFORE, the provisions stated above are hereby adopted and made the Final Order of the Kansas State Board of Nursing.

IT IS SO ORDERED.

Dated this 10th day of November, 1994

  
Board Representative or  
Board Designee



CERTIFICATE OF SERVICE


This is to certify that a copy of this CONSENT AGREEMENT AND FINAL ORDER was served by placing same in the United States Mail, first class, postage prepaid this 14th day of November, 1994, to:

Sharon Blomquist  
Route 2, Box 108  
Garnett, Kansas 66032-9220

Terry Solander  
Attorney at Law  
Postal Drawer 348  
Garnett, Kansas 66032-0348

and by hand delivering a copy to

Mark S. Braun  
Assistant Attorney General  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson Rm 551-S  
Topeka, Kansas 66612-1230

  
Diane M. Glynn, J.D., R.N.  
Practice Specialist