

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

FILED

JUL 10 2014

IN THE MATTER OF ARON NICOLE EARL

KSBN

License No. 23-41620-012

Case No. 14-250-9

SUMMARY ORDER

NOW ON THIS 10th day of July, 2014, THE ABOVE MATTER COMES BEFORE THE Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 7569 Meade Road Cummings Kansas 66016.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. Review of the information gathered by the Board revealed the following upon which this action is based.
 - (a) According to a report, it is alleged that while licensee was employed by Valley Hope of Atchison, Kansas licensee developed a sexual/romantic relationship with a mental health patient.
 - (b) This incident occurred on or about the 14th day of December 2013.
 - (c) Mental Health patient admitted to relationship and stated licensee's behavior had become erratic and that she needed help.
 - (d) Patient became concerned with licensee cutting her arm on purpose.

- (e) Licensee was terminated from her employment on the 5th day of February, 2014.
- (f) When terminated from employment, licensee stated that she was embarrassed and ashamed.
- (g) Licensee also stated that she did not know if she was healthy enough to work and that she had a lot of the same emotional problems that patients do.
- (h) Licensee was contacted by the investigator on the 12th day of March, 2014 and there has been no response.

5. This licensee violate the Nurse Practice Act by unprofessional conduct by sexual/romantic misconduct with a patient and fraud and deceit in practicing nursing.

CONCLUSIONS OF LAW

- 1. Pursuant to KAR 60-3-110 (f) Unprofessional conduct i.e. "commission of any act of sexual abuse, sexual misconduct or sexual exploitation related to the licensees' practice is shown in the allegations contained in the criminal complaint.
- 2. K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations.
- 3. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- 4. 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).
- 5 Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse , as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under authorization, if the licensee, licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

6. The above fact findings established evidence that the licensee violated the following provisions of the Nurse Practice Act:

Count 1: Pursuant to KAR 60-3-110 (f) Unprofessional conduct i.e. "commission of any act of sexual abuse, sexual misconduct or sexual exploitation related to the licensees' practice is shown in the allegations..

Count 2: K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations.

Count 3: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in Practicing nursing.

Count 4: 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).

K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings does not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.

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

POLICY STATEMENT

1. Truthfulness is a hallmark of the nursing profession and is required to ensure accurate communication of all nursing actions.
2. Trust is imperative in the nursing profession and sexual/romantic relations with patients violates the public trust, impairing the nurse's performance in her duties.

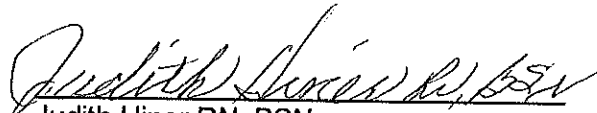
IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. **Licensee's license to practice nursing in the state of Kansas is suspended pending the outcome of a mental health evaluation and a determination of licensee's safety to practice.**

2. **Once licensee is determined to be safe to practice, Employer of licensee shall submit quarterly reports for one year and licensee shall be limited to practice only in supervised positions.**

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for hearing. If you desire a hearing, you must submit or direct a **written** request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. **THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER.** If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing.


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


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 10th day of July, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Aron Nicole Earl
7569 Meade Road
Cummings, Kansas 66016


Michael R. Fitzgibbons #12287
Assistant Attorney General