

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

Filed
OCT 21 2003
Board of Nursing

IN THE MATTER OF
Ylando Hurst
LICENSE NO. 24-18959-102

CASE NO. 01-668-0

CONSENT AGREEMENT TO REINSTATE LICENSE AND FINAL ORDER

NOW ON THIS 13th day of October, 2003, the Kansas State Board of Nursing, represented by disciplinary counsel, Betty Wright, and the Respondent, Ylando Hurst, appear and proffer evidence and the parties suggest orders and the hearing officer adopts those recommendations and makes the following findings of fact and orders.

FINDINGS OF FACT

The hearing officer makes the following findings of fact based on the evidence presented and the statements of the parties:

1. Respondent has applied for a reinstatement of her LPN license to practice nursing in Kansas on 7/21/03.
2. It has been established that Respondent's license was lapsed on 10/31/98.
3. The respondent had a disciplinary action resulting in a Settlement Agreement effective 9/26/2001 for public censure because n or about 12/4/1999 after a patient in her care expired, Licensee charted that CPR had been initiated with no success even though neither she nor anyone else had performed CPR on the patient. The licensee's license was publicly censured. Licensee had violated the Missouri nurse practice act under section 335.066.2(5) incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter and (12) Violation of any professional trust or confidence; RSMo 1994. The certified record of discipline is attached and incorporated herein.

4. Respondent has the right to a hearing for reinstatement with evidence and witnesses to establish evidence of his/her fitness to practice nursing 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 and the Kansas State Board of Nursing are waiving those rights and voluntarily entering into this consent agreement instead of proceeding to such a hearing.

5. As evidence to establish competence to practice nursing, the respondent has stated in writing she will comply with any measures required by Kansas to become reinstated. She has provided the required 30 hrs of CNE for reinstatement with the application.

CONCLUSIONS OF LAW

6. 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

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

DISPOSITION

7. The respondent violated the Missouri Nurse Practice Act in the past, however with her application for Reinstatement of 7/21/03 has provided substantial competent evidence to the Board to establish consideration for reinstatement. The parties agree that at this time respondent may be reinstated with the following **requirements**:

(a) Respondent will **see that employers provide quarterly reports to the Kansas Board for one year of employment.** The reports shall be prepared by licensee's immediate supervisor who evaluates his/her performance on a regular basis. Respondent's

employer may submit copies of employee evaluations conducted during a quarter in lieu of a report for that quarter. These reports or evaluations shall be sent by the employer to the attention of the Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 1051, Topeka, Kansas 66612-1230.

(b) Pay costs of this action **\$70.00** to the board by certified check or money order;

8.. Respondent is responsible for the costs related to satisfying these conditions;

9. If respondent does not meet these requirements the Board of Nursing may request additional sanctions against applicant'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 she had complied with these orders, but respondent could not contest the established violations.

IN CONCLUSION

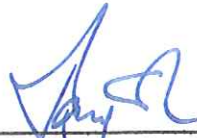
10. This case will be inactivated and a card with no limitation will be issued at renewal if and when:

a) The Board receives **4 quarterly reports** of satisfactory work.

b) No further violations of the Nurse Practice Act are reported.

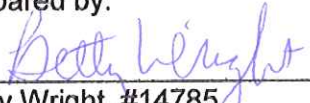
Once all of above are met, and there are no further violations of the agreement or the act, at the next renewal date a renewal can be made with no restrictions.

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



Terry Beck, Hearing Officer

Prepared by:



Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-4325

X Ylando Hurst

Ylando Hurst
9535 Monrovia St. #101
Lenexa, KS 66215
Licensee

State of Kansas)
County of Johnson) SS

Subscribed to before me by Ylando Hurst on this 2nd day of October, 2003.

(seal)

ERLENE LEIKER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 9-27-05

Erlene Leiker
Signature of Notary Public
Erlene Leiker

CERTIFICATE OF SERVICE

On the 23rd day of September, 2003, I caused a copy of this document to be mailed, postage prepaid, to:

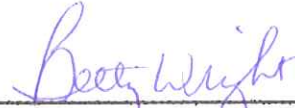
Ylando Hurst
9535 Monrovia St. #101
Lenexa, KS 66215

Melissa Graham
Melissa Graham,
Administrative Assistant

CERTIFICATE OF SERVICE

On the 21 _day of October, 2003, I caused a copy of this document to be mailed, postage prepaid, to:

Ylando Hurst
9535 Monrovia St. #101
Lenexa, KS 66215



Betty Wright, Assistant Attorney General