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OCT 27 2014

KSBN

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF LAUREL ROSE COLE**

License No. 24-20163-102

Case No. 11-1730-9

**INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE**

NOW ON THIS 27<sup>th</sup> day of October, 2014, the Kansas State Board of Nursing, represented by Assistant Attorney General, Michael R. Fitzgibbons, and the Licensee, Laurel Rose Cole, 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**

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

1. Licensee is licensed to practice nursing in Kansas through October, 2014. The Kansas State Board of Nursing (KSBN) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is 2281 Antelope Road Fairview, Kansas 66425.
3. 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 is established.
4. The Board has requested that a petition be filed to take disciplinary action against the licensee's license.

5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).

6. Licensee has the right to these hearings and the right to seek review of the findings from the hearings in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Licensee is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

7. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.

8. (a) A petition may be filed to take disciplinary action against the licensee's license as authorized by the Board.

(b) The petition would allege that in Case 11-1730-9, according to a report, it is alleged that while licensee was employed at Community Health Care System, Inc., in Onaga, Kansas, licensee instructed a CMA to give Melatonin to a resident.

(c) There was not a Doctors order for Melatonin.

(d) Licensee agreed that she instructed CMA to give Melatonin for a patient without a doctors order.

(e) This incident occurred on or about the 27th day of May, 2011

(f) In July 2012, Licensee was asked to resign from Community Health Care System/Eastridge Skilled Nursing Facility stating that licensee made medication errors.

(g) Licensee admitted she was no longer able to pass multiple medicationw.

(h) Licensee was referred to KNAP on the 15<sup>th</sup> of April, 2014 for a safety to practice assessment and possible monitoring.

(i) Licensee stated that she did not want to participate in KNAP and the case was closed on the 29<sup>th</sup> of April, 2014.

(i) Licensee wishes to surrender her license as she can no longer do the job and was not safe for her or her patients.

### CONCLUSIONS OF LAW

9. 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.

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

Count 1 K.S.A. 65-1120(a)(3) to have committed an act of professional incompetency as defined in subsection (e) in practicing outside of the scope of license.

Count 2: K.S.A. 65 1120(a)(6) to be guilty of unprofessional conduct as defined as defined by rules and regulations of the board by violating the existing policies and procedures of the medical facility.

Count 3: K.S.A. 65-1120 (e) (3) professional incompetence as defined as a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing

### POLICY STATEMENT

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

### DISPOSITION

12. Based upon this agreement and final order, the parties agree that Licensee is surrendering licensee's license to practice nursing in the state of Kansas.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Licensee's license to practice nursing in Kansas is immediately revoked. Licensee shall not practice nursing in the state of Kansas.

14. Upon signing this agreement and returning it to the Board, licensee shall return licensee's license card with the agreement.

15. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document shall be kept in the Board's agency file. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Consent Agreement to Surrender and Revoke is the date shown on the certificate of service.


16. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

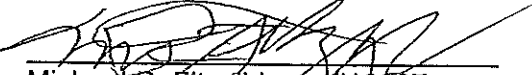
17. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement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

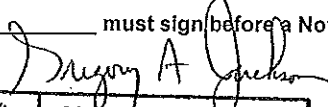
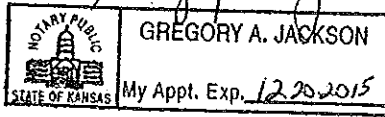
18. By their signatures, the parties hereby acknowledge this agreement.


IN WITNESS WHEREOF, the parties hereto execute this FINAL ORDER AND  
CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE .

IT IS SO ORDERED.

  
Respondent  
Laurel Rose Cole  
2281 Antelope Road  
Fairview, Kansas 66425

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

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must sign before a Notary Public.  
  


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

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 with 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.

Pursuant to K.S.A. 77-530, if a request for reconsideration is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 27<sup>th</sup> day of October, 2014 I mailed a copy of this FINAL ORDER AND CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE to:

Laurel Rose Cole  
2281 Antelope Road  
Fairview, Kansas 66425

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General