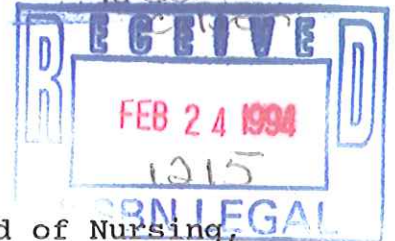


BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON RM 551-S
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF:)
)
CONNIE COLTON)
LICENSE NO. 24-021008-082)

CASE NO. 92-185-0



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, Connie Colton
by and through her counsel, John C. Chatelain, Chatelain & Blunk,
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 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.

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; she, through her counsel, has the opportunity to cross-examine Petitioner's witnesses; she, 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; 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 to the violation alleged in Paragraph 5 of the Petition. Respondent, with the advice of counsel, understands that by stipulating to that paragraph she is admitting to a violation of the Kansas Nurse Practice Act.

4. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license to practice as a licensed practical nurse (L.P.N.) will be suspended for a period of one year from the date the Consent Agreement and Final Order is approved by the

Board, or its designee. Said suspension shall be stayed. The Stay shall remain in effect as long as Respondent remains in compliance with the Order on Agreed Settlement adopted by the Director of Health, State of Nebraska. That Order on Agreed Settlement [EXHIBIT 1 attached to the Petition in this case] is hereby adopted and incorporated by reference into this consent Agreement and Final Order.

A. Respondent shall cause her employer to submit quarterly reports from her closest supervising agent. Such reports shall include information about respondent's attendance, quality of work performance and patient care. Respondent may have her employer submit the quarterly evaluations now submitted as part of her Order on Agreed Settlement if such evaluations meet the previously stated reporting requirements.

B. Respondent shall notify the Board's practice specialist in writing within ten (10) days of any changes in residence, home telephone number, employment, or other work situations.

C. Respondent shall immediately notify the Board's Practice Specialist by telephone, and pursuant to Paragraph 4B, if, during this Consent Agreement and Final Order, she accepts any employment as a L.P.N. in Kansas.

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. 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.

8. 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.

9. 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.

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 24-021008-082, with an expiration date of August 31, 1994.

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 October 28, 1991 Respondent entered into an Amended Settlement Agreement with the Director of the Department of Health of the State of Nebraska, in which disciplinary action was taken against her license. That Amended Agreed Settlement was made a part of an Order issued by the Director of the Department of Health, State of Nebraska, issued December 31, 1991.

5. At the time of that Amended Agreed Settlement, Respondent was licensed as a licensed practical nurse in the State of Nebraska.

6. Respondent with the advice of counsel, stipulates to the allegations contained in the Petition, paragraph 5.

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 the allegations contained in Paragraph 5. Based on that stipulation, Respondent has violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

4. Respondent has violated the Kansas Nurse Practice Act K.S.A. 65-1113 et seq., specifically K.S.A. 65-1120(a)(8) in that while licensed as a licensed practical nurse in the State of Nebraska, disciplinary action was taken against her license. Further, her license was limited or suspended by the Director of the Department of Health, the licensing authority of the State of Nebraska.

5. The Petitioner 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 that the following

action will be taken against the Respondent's license to practice as a licensed practical nurse (L.P.N.) in the State of Kansas:

Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license to practice as a licensed practical nurse (L.P.N.) will be suspended for a period of one (1) year from the date this Consent Agreement and Final Order is approved by the Board or its designee. Said suspension shall be stayed. The Stay shall remain in effect as long as Respondent remains in compliance with the Order on Agreed Settlement adopted by the Director of Health, State of Nebraska. That Order on Agreed Settlement [EXHIBIT 1 attached to the Petition in this case] is hereby adopted and incorporated by reference into this consent Agreement and Final Order.

A. Respondent shall cause her employer to submit quarterly reports from her closest supervising agent. Such reports shall include information about respondent's attendance, quality of work performance and patient care. Respondent may have her employer submit the quarterly evaluations now submitted as part of her Order on Agreed Settlement if such evaluations meet the previously stated reporting requirements.

B. Respondent shall notify the Board's practice specialist in writing within ten (10) days of any changes in residence, home telephone number, employment, or other work situations.

C. Respondent shall immediately notify the Board's Practice Specialist by telephone and pursuant to paragraph 4B if, during

this Consent Agreement and Final Order, she accepts any employment as a L.P.N. in Kansas.

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

Connie Colton
Connie Colton
Respondent

2-10-94
DATE

John C. Chatelain
John C. Chatelain
Attorney for the Respondent

2-10-94
DATE

Mark S. Braun
MARK S. BRAUN
Assistant Attorney General
Board Disciplinary Counsel

2-18-94
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 21st day of February, 1994

Helen R. Rice
Board Representative or
Board Designee