

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF RUTH STREETER

License No. 24-29463-092

Case Nos. 15-1657-9 & 16-1410-9

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 28th day of March, 2017, the Kansas State Board of

Nursing, represented by Special Assistant Attorney General, Michelle David, and the Respondent, Ruth Streeter, hereby enter into this agreement and move the Board for approval of a Consent Agreement and Final Order. The parties stipulate and agree to the following:

1. Respondent is a Licensed Practical Nurse in the state of Kansas. The Kansas State Board of Nursing (KSNB) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 606 Ratz St., Valley Falls, KS 66088.
3. Respondent understands that pursuant to K.S.A. 77-515, Respondent may be represented at respondent's expense by an attorney during these proceedings.
4. 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.
5. 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.

AGREED FINDING OF FACTS

6. Respondent was licensed as an LPN by the Board on or about March 16, 2000.

RECEIVED
MARCH 29 2017
KANSAS STATE BOARD OF NURSING

7. On or about June 24, 2004, Respondent was convicted with possession of drug paraphernalia, misdemeanor in Merriam Municipal Court, case no. 125053.
8. On or about January 2, 2009, Respondent was convicted of license to be carried and exhibited, misdemeanor in Wyandotte County District Court, case no. 05TR0853.
9. On or about April 28, 2015, Respondent was convicted of driving while suspended, misdemeanor in Jefferson County District Court, case no. 14TR475-IT.
10. Respondent submitted an online renewal application on or about September 7, 2010.
11. Respondent answered "no" to "Have you ever been convicted of a misdemeanor listed in K.A.R. 60-3-113?"
12. Respondent submitted an online renewal application on or about September 11, 2012.
13. Respondent answered "no" to "Have you ever been convicted of a misdemeanor listed in K.A.R. 60-3-113?"
14. Respondent submitted an online renewal application on or about September 23, 2014.
15. Respondent answered "no" to "Have you ever been convicted of a misdemeanor listed in K.A.R. 60-3-113?"
16. Respondent submitted an online renewal application on or about September 11, 2016.
17. Respondent answered "no" to "Have you ever been convicted of a misdemeanor listed in K.A.R. 60-3-113?"
18. Respondent has been convicted of a misdemeanor listed in K.A.R. 60-3-113.
19. On or about November 29, 2010, Respondent was selected to take a random UDS by her nursing employer Valley Health Center. The UDS was positive for cocaine and Respondent's employment was terminated. Respondent stated that she had a medical procedure prior to the UDS and she believes that was why cocaine was in her system. Respondent did not provide documentation of such to her employer prior to being terminated.
20. On or about April 12, 2012, Respondent's nursing employment was terminated by Westwood Manor for allegations of verbal abuse to staff.

21. On or about June 28, 2012, Respondent's nursing employment was terminated by Plaza West for poor job performance.

22. On or about December 8, 2015, the Board requested a K-tracs report on Respondent due to suspected impairment. The K-tracs report showed that Respondent had obtained 888 hydrocodone and oxycontin pills by 2 providers in 2015, 1580 hydrocodone pills by 3 providers in 2014, 1078 hydrocodone pills from 2 providers in 2013, and 1200 hydrocodone pills from 3 providers in 2012.

23. The Board referred Respondent to the Kansas Nurses Assistance Program for a drug and alcohol evaluation and subsequent monitoring if recommended.

24. Respondent entered a one-year extended evaluation contract with KNAP on or about January 24, 2017.

AGREED FINDINGS OF LAW

25. Pursuant to K.S.A. 65-1117 and K.A.R. 60-3-113 each licensee shall report to the board any misdemeanor conviction for any of the following substances or types of conduct, within 30 days from the date the conviction becomes final: (a) Alcohol; (b) any drugs; (c) deceit; (d) dishonesty; (e) endangerment of a child or vulnerable adult; (f) falsification; (g) fraud; (h) misrepresentation; (i) physical, emotional, financial, or sexual exploitation of a child or vulnerable adult; (j) physical or verbal abuse; (k) theft; (l) violation of a protection from abuse order or protection from stalking order; or (m) any action arising out of a violation of any state or federal regulation.

26. The Respondent admits to violating the nurse practice act as follows:

Count 1: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or procuring or attempting to procure a license to practice nursing.

Count 2: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(d) to be guilty of unprofessional conduct for inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

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

27. Respondent waives her right to dispute or otherwise contest the facts and violations contained in the above paragraphs in any further proceedings before this Board.

28. Respondent has the right to a hearing with evidence and witnesses 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 is waiving those rights and voluntarily entering into this agreement instead of proceeding to such a hearing.

29. By signing this Consent Agreement and Final Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement and Final Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties. The effective date of this Consent Agreement and Final Order is the date shown on the certificate of service.

CONCLUSIONS OF LAW

30. 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.

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

32. Respondent violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or procuring or attempting to procure a license to practice nursing.

Count 2: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(d) to be guilty of unprofessional conduct for inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

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

33. By entering into this Consent Agreement and consenting to the entry of the Final Order, both parties waive their right to full administrative proceedings pursuant to K.S.A. 65-1120 and K.S.A.77-501 et seq. and to judicial review.

34. The presiding officer whose signature appears below has been designated by the Kansas State Board of Nursing to exercise the Board's authority pursuant to K.S.A. 65-1106, et. seq., which includes the issuance of Final Orders.

DISPISITION AND ORDER

Based on the above findings of facts and conclusions of law, the Kansas State Board of Nursing so Orders:

35. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Respondent's Kansas Nursing License is **suspended** and the **suspension will be stayed** so long as Respondent completes the requirements and does not violate this agreement as detailed below.

36. This Order shall continue in full force and effect until all terms and requirements of the Order, as follows, have been completed:

(a) **KNAP.** Respondent is currently enrolled in a one-year monitoring agreement with the Kansas Nurses Assistance Program (KNAP). Respondent must participate in and successfully complete the monitoring agreement she entered with KNAP, follow the recommendations and requirements of KNAP, and sign releases of information necessary for KNAP to evaluate and monitor Respondent and for KNAP to report information to the board.

Respondent acknowledges that this agreement will be an open record pursuant to the Kansas Open Records Act, K.S.A 45-215 et seq., and may be published or disseminated notwithstanding any state or federal law otherwise restricting public access to, or dissemination of, any personal or health care information contained herein. Respondent will be deemed to have completed the KNAP program when KNAP issues written notification that respondent has successfully completed the program. Noncompliance with KNAP is a violation of this agreement.

(b) **Drug/Alcohol Screenings.** Respondent must submit to random drug/alcohol screens as determined or selected by the Board or by KNAP. The costs of the screens will be paid by the Respondent. Respondent agrees that a positive screen without a prescription is a **violation of this agreement**.

(c) **Relapses.** Respondent must notify the Board of any relapses within 7 days of the relapse.

(d) **Limited Practice.** Respondent shall not seek or accept employment with a nursing registry, a temporary nursing service or agency, a home health care service or agency, or as a private duty nurse without prior written consent of the Board.

(e) **Quarterly reports.** Once Respondent is employed in a position that utilizes his or her nursing license, or if Respondent is currently employed in a position that utilizes his or her nursing license, a quarterly nursing performance report is due by the 10th day of the months of January, April, July, and October to begin with the first such month after becoming employed as a nurse until Licensee has caused the submission of **four (4) separate nursing performance reports**.

The reports are to be sent by the employer; quarterly reports submitted by the licensee are invalid.

The report shall be prepared and signed by respondent's immediate supervisor who evaluates respondent's performance on a regular basis, and be based on the following guidelines:

- (1) Incorporation of information on facility letterhead stationary is preferred.
- (2) Letter format is acceptable, with the date of the report identified.
- (3) Evaluator's name, telephone number, address, license number and nursing credentials.
- (4) Respondent's name, address, telephone number, license number.
- (5) A short explanation of the respondent's work performance in the following areas:
 - (a) Standards met regarding facility policies and procedures.
 - (b) Compliance with the Kansas Nurse Practice Act.
 - (c) Supervisor evaluations.
 - (d) Overall appropriateness.
 - (e) Interactions with patients.
 - (f) Interactions with staff and administration.

If the Respondent is unemployed, or employed in a position that does not utilize his or her nursing license, respondent is to mail to the Kansas State Board of Nursing a statement indicating that respondent has not yet secured employment which utilizes respondent's nursing license. This statement is due by the 10th day of each month.

(g) **Notification.** Respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order. Respondent acknowledges that the Board may directly provide employers or prospective employers with a copy of this agreement upon their request. Respondent must notify the Board in writing within 15 days of any changes in employment, including changes within a facility and any changes in phone number(s) or residential address.

(h) **Cost.** Respondent will pay to the "Kansas State Board of Nursing" the cost of this action in the amount \$100 by check or money order upon entering this agreement.

(i) Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.

(j) Respondent shall not violate the laws of the United States, of State, or of any political subdivision of any State during the term of this agreement. Traffic infractions shall not be considered violations of the law.

37. **Violation of Terms and Requirement.** The parties agree that Respondent's first violation of the terms and requirements will result in the stay of suspension being lifted (or active suspension being extended) for a period of six- months.

A second violation of the terms and requirements will result in the stay of suspension being lifted (or active suspension being extended) for a period of twelve- months.

A third violation of the terms and requirements will result in the stay of suspension being lifted (or active suspension being extended) indefinitely.

If Respondent's KNAP case is closed unsuccessfully or Respondent withdraws from the program, the Board may seek revocation of Respondent's license.

If Respondent continuously violates the terms and requirements of this Order and/or obtains a new violation of the Kansas Nurse Practice Act, the Kansas State Board of Nursing may request additional sanctions, which may include revocation of Respondent'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 Respondent had complied with this Order, but Respondent could not contest the facts or violations listed in this agreement.

38. Respondent acknowledges and agrees that Respondent is responsible for the costs related to satisfying the conditions and requirements of this Consent Agreement. Respondent

further acknowledges and agrees that to provide the Board with false information regarding compliance with this Consent Agreement is a violation of this Consent Agreement.

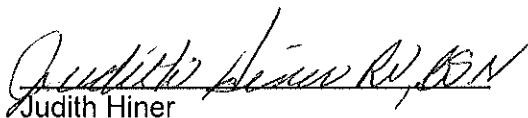
39. All parties understand that if an action based on failure to meet the conditions and requirements of this Consent Agreement is filed, K.S.A. 77-531 requires the Notice of Hearing to be served upon the Respondent and the Respondent's attorney of record, if any. All parties agree that only serving the Notice of Hearing upon the Respondent will be proper service and it is the Respondent's responsibility to contact his or her attorney, if any, in reference to the action.

40. **The Board will inactivate this case file and remove the stayed suspension, once respondent satisfies this agreement.** This agreement does not prohibit the agency from taking disciplinary action against Respondent's license for any additional or cumulative violation of the Kansas Nurse Practice Act committed by the Respondent before or after this agreement is entered into.

41. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. This agreement is a contract entered into by the parties to resolve an investigative case. The original of this agreement shall be placed in the Agency Record. This Agreement is a public record and will be reported to national disciplinary data banks.

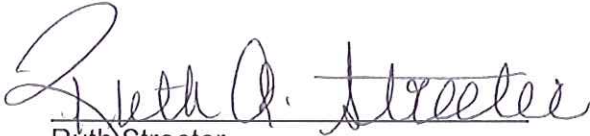
IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT AND FINAL ORDER.

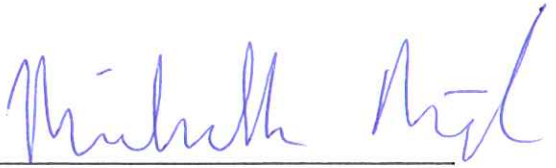
IT IS SO ORDERED.


Judith Hiner

Investigative Committee Chairperson
Kansas State Board of Nursing
900 SW Jackson, Suite 1051
Topeka, KS 66612

Approved and agree to by:


Ruth Streeter
Respondent


Michelle David #26982
Special Assistant Attorney General
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 29TH day of MARCH, 2017, I mailed a copy of this CONSENT

AGREEMENT AND FINAL ORDER to:

Ruth Streeter
606 Ratz St.
Valley Falls, KS 66088


KSNB Staff Member