

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**JUN 1 2006**

**KSBN**

**IN THE MATTER OF  
ANNETTE M. GILBRIDE  
License No. 24-031728-081**

**Case No. 04-497-7**

**CONSENT AGREEMENT AND FINAL ORDER**

NOW ON THIS 25 day of May, 2006, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, Annette M. Gilbride, represented by Sterling S. Waggener, 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**

1. Respondent submitted an application for reinstatement of her Kansas Nursing license on 10/12/2005. On 5/8/2006 the Kansas State Board of Nursing issued a Summary Order denying the reinstatement application. The respondent filed a timely appeal. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 3870 Crenshaw Blvd. #419, Los Angeles, CA 90008.
3. The 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(a) is established.

6. On 4/13/2005, a Petition was filed In The Matter Of Annette Gilbride, case number 04-497-7, alleged the following. On or about 6/3/2004, while the applicant was employed as a nurse at Delmar Gardens of Overland Park, KS, she diverted narcotics for her own personal use. On 2/24/2004 the applicant relinquished her Iowa nursing license for practice beyond scope; failure to assess, document and report status of patient; willful or repeated departure from or failure to conform to minimal standards; diversion of narcotics; failing to document any care of four patients during her shift; and performing IV therapy without being IV certified. On 8/12/2002, applicant was convicted of misdemeanor obtaining prescription drug by fraud and failing to reveal the conviction to the Iowa Board as required.

On 6/1/2005, a Default Order Revoking the applicant's license was entered in case number 04-497-7. In the Default Order the applicant was found to have violated the following sections of the Kansas Nurse Practice Act:

K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (n), diverting drugs, supplies, or property of any patient or agency.

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

K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency, or territory.

K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation.

Respondent submitted an application to the Board for reinstatement as a registered nurse in the State of Kansas on 10/12/05.

7. The above incidents are violations of the nurse practice act. The respondent agrees that the board is prepared to prove that respondent has violated: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol; K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (n), diverting drugs, supplies, or property of any patient or agency; K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing; K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency, or territory; K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation.

8. 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.

**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)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (n), diverting drugs, supplies, or property of any patient or agency.

Count 3: K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

Count 5: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency, or territory.

Count 6: K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation.

#### **POLICY STATEMENT**

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

#### **DISPOSITION**

12. 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(b) and K.S.A.77-501 et seq. and to judicial review.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this Consent Agreement will continue through any renewal periods of respondent's nursing license until respondent completes each of the conditions and requirements of this agreement. Upon the parties entering into this Consent Agreement and with the respondent having met all statutory requirements for reinstatement of respondent's Kansas Nursing license, the respondent's application for reinstatement of

respondent's Kansas Nursing license will be granted. The Kansas State Board of Nursing will not take disciplinary action against respondent's nursing license for the violations stated above as long as respondent meets the following requirements:

(a) **Respondent shall receive a license card which shall be issued with an "S" placed in the status code portion of the license card to indicate that the license is suspended. The license card will have an "L" indicating the limitations on the practice.**

The suspension will remain in place until such time as the Kansas Nurses Assistance Program issues to the Kansas State Board of Nursing a written statement that the respondent is safe to practice nursing. If at that time the respondent is in compliance with all other requirements and conditions of this agreement the suspension will be stayed

(b) **Respondent shall have a narcotic key restriction on respondent's license.**

The narcotic key restriction prohibits the respondent from passing of narcotics, wasting of narcotics or having access to narcotics. The narcotic key restriction also prohibits the respondent from supervising nurses or others that have access to narcotics. The narcotic key restriction shall remain in place until such time as the Kansas Nurses Assistance Program issues to the Kansas State Board of Nursing a written statement that the respondent is safe to have the narcotic key restriction removed. If at that time the respondent is in compliance with all other requirements and conditions of this agreement the respondent will be issued a card without limitations on the practice.

(c) **Respondent will participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP);** sign releases of information necessary for KNAP to evaluate and monitor respondent and for KNAP to report information to the board. Respondent will be deemed to have completed the KNAP program when KNAP issues written notification that respondent has completed the program. Noncompliance with KNAP is a violation of this agreement.

(d) Respondent must **submit to random drug screens as determined or selected by the Board or by KNAP**. The costs of the drug screens will be paid by the respondent.

Respondent agrees that a **Positive Drug Screen is a violation of this agreement**.

(e) Respondent **shall immediately notify the Legal Division of any use of alcohol, if prohibited by KNAP, or controlled substances, or any violation of this Consent Agreement and Final Order**.

(f) The respondent **shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order**.

(g) Respondent **shall send a money order for \$70 to the Board upon entering** into this agreement to pay the cost of this action.

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

(i) 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.

(j) 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**.

(k) Respondent will **Submit Reports from the respondent's 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 on the following schedule: Prior to respondent securing employment that utilizes respondent's 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 beginning the next month after signing this consent agreement.

Once respondent is employed in a position that utilizes respondent's nursing license, or if respondent is currently employed in a position that utilizes respondent's nursing license, a **nursing performance report is due by the 10th day of every third month until respondent has caused the submission of four (4) separate nursing performance reports.** The report shall be prepared and signed by respondent's immediate supervisor or by an R.N. 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

(l) Respondent **agrees to notify the Legal Division of any changes in address and phone number as well as all employment terminations or employer changes or additions.** All such notifications shall be made in writing within fourteen (14) days of such a change.

(m) Respondent **shall not pick up any controlled substance from any pharmacy except that which has been specifically prescribed for respondent.**

(n) Respondent **shall not obtain or possess any drug samples or other drugs which are not obtained by respondent pursuant to a valid prescription.** Provided however, the prohibition of this paragraph applies only to controlled substances.

(o) Respondent is responsible for the costs related to satisfying these conditions and requirements.

14. If respondent does not meet these requirements, then Kansas State Board of Nursing may request additional sanctions against 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 agreement, but respondent could not contest the violations listed in this agreement.

15. The Board will inactivate this case file 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 Nurse Practice Act committed by the respondent before or after this agreement is entered into.

16. This agreement is a contract entered into by the parties to resolve a summary denial of reinstatement case. The original of this agreement shall be placed in the Agency Record and is a public record.

17. By signing this Consent Agreement, respondent acknowledges that respondent has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement constitutes the entire agreement of the parties and may not be modified except in writing and approved by all parties.

18. After successful completion of all of the requirements of this Consent Agreement by the respondent, the Consent Agreement will be satisfied and the case will be inactivated.

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

**IT IS SO ORDERED.**



[Redacted]

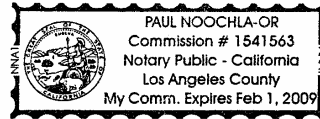
Annette M. Gilbride must sign before a Notary Public.

Annette M. Gilbride  
Respondent  
3870 Crenshaw Blvd. #419  
Los Angeles, CA 90008

State of ~~Kansas~~ <sup>CALIFORNIA</sup>, County of LOS ANGELES - ss.

SUBSCRIBED AND SWORN TO before, me by Annette M. Gilbride

on this day of 05/20/06, 2006.



Signature of ~~Notary Public~~

My Commission Expires 02/01/09  
(Notary Public Seal)

[Redacted]

Sterling S. Waggener / #4765  
Counsel for Respondent  
Waggener, Arterburn & Standiferd  
1400 SW Topeka  
Topeka, KS 66612

[Redacted]

Mark A. Knight, #12183  
Assistant Attorney General  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612-1230

[Redacted]

Terry E. Beck, Hearing Officer

CERTIFICATE OF SERVICE

On the 2<sup>nd</sup> day of June, 2006, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Annette M. Gilbride  
3870 Crenshaw Blvd. #419  
Los Angeles, CA 90008

Sterling S. Waggener, #4765  
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Mark A. Knight, #~~1~~183  
Assistant Attorney General