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**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

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**IN THE MATTER OF AMANDA JEAN POWELL**

NOV 20 2014

**License No 24-34255-032**

KSBN

**Case No. 12-1343-5**

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

NOW ON THIS 19<sup>th</sup> day of November, 2014, the Kansas State Board of Nursing, represented by Assistant Attorney General, Michael R. Fitzgibbons, and the Licensee, Amanda Jean Powell, 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 March, 2016. 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 24 E. Sioux Drive, Park City, Kansas 67219.
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 a petition be filed to take disciplinary action against the licensee's license.

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5. The petition was filed by the Board and a hearing is set for the 13<sup>th</sup> day of August, 2014, at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a)(1) and K.S.A. 65-1120(a)(6) and KAR 60-3-110 (n).

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 petition was filed to take disciplinary action against the licensee's license as authorized by the Board.

- a. According to the report, it is alleged that while licensee was employed by Larksfield Place Health Care Center, Wichita, Kansas, licensee diverted patients' property.
- b. These incidents occurred between July 2011 and July 2012.
- c. Licensee admitted to the thefts and she was terminated from employment on the 10<sup>th</sup> day of July 2012.
- d. As a direct result of these thefts, licensee was charged in case no 2012 CR 002156 with two counts of felony theft in Sedgwick County, Kansas.
- e. Licensee entered into a plea agreement in which she pled guilty to two counts of felony theft on 8<sup>th</sup> day of July, 2013.
- f. Licensee was found guilty of a Level 7 Non Person Felony and a Level 9 Non Person Felony on the 21<sup>st</sup> day of February, 2014 and she has agreed to surrender her license.

### 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)(1) unprofessional conduct by fraud or deceit in practicing nursing.

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

### 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 Initial Agreed Order 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 eithis 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 INITIAL ORDER AND TO SURRENDER AND REVOKE LICENSEE.

**IT IS SO ORDERED.**

Amanda Powell 8-13-14

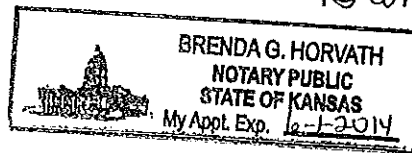
Respondent  
Amanda Jean Powell  
24 E. Sioux Drive  
Park City, Kansas 67219

J. H. 13 AUG 14  
JOSEPH, HOLLANDER & CRAFT  
Attn: Jess W. Hoeme (20779)  
500 N. Market Street  
Wichita, Kansas 67214-3514

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

\_\_\_\_\_ must sign before a Notary Public.

Executed before me on  
this 13<sup>th</sup> day of August, 2014 by  
AMANDA POWELL in Sedgwick County, KS,  
Brenda G. Horvath



[Signature]

Sandra L. Sharon  
Administrative Law Judge/Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

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.

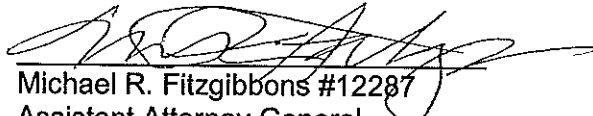
Pursuant to K.S.A. 77-530, if a request for reconsideration is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 20<sup>th</sup> day of November, 2014 I mailed a copy of this INITIAL AGREED ORDER TO SURRENDER AND REVOKE LICENSE to:

Amanda Jean Powell  
24 E. Sioux Drive  
Park City, Kansas 67219

JOSEPH, HOLLANDER & CRAFT  
Attn: Jess W. Hoeme  
500 N. Market Street  
Wichita, Kansas 67214-3514

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General