

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
Norla Todd**

OAH no. 15BN0049

**License Nos. 13-28615-052 & 53-64057-052
Case No. 13-1602-9**

FILED OAH

9 JUN '16 AM 8:31

INITIAL AGREED ORDER

NOW ON THIS 9th day of June, 2016, the Kansas State Board of Nursing, represented by Assistant Attorney General, Bryce D. Benedict, and the Respondent, Norla Todd, by and through her counsel, Randy Troutt, 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 is licensed to practice nursing in Kansas. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. 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.
3. Respondent acknowledges that this agreement is 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, or any information or records of substance abuse evaluation and/or treatment contained herein.
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.

6. A petition was filed to take disciplinary action against the Respondent's license and alleged:

(a) Respondent was employed by the Topeka Birth and Women's Center in Topeka, Kansas on or about 9/2/2013 and 9/3/2013.

(b) Respondent gave substandard care to a mother and infant. Child was born dead with no respiratory effort. After the delivery mother suffered a stroke. Respondent delayed sending mother to hospital even after mother complained she was talking funny to Respondent and other staff.

(c) Respondent failed to follow protocols. Mother was sent home on 9/2/2013 after testing showed elevated scores and Respondent failed to tell mother of the dangers and signs of pre-eclampsia/ HELLP. Mother was discharged at approximately 8:00 p.m. but came back to the Birth Center at approximately 9:00 p.m. and was admitted. Testing showed that at time of admittance to Birth Center mother's protein levels tested at +3 to +4 leukocytes. Child was born unresponsive at 4:12 a.m. on 9/3/2013 at the Birth Center. Deep suction of the mouth and nares produced thin brown tinged fluid.

7. The above allegations, if proven, would be violations of the Nurse Practice Act.

Respondent agrees that the Board is prepared to offer evidence that Respondent has violated the Nurse Practice Act. Respondent is also prepared to offer evidence at a hearing that she did not violate the Kansas Nurse Practice Act as alleged by the Board.

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.

POLICY STATEMENT

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

DISPOSITION

10. By entering into this Initial Agreed Order (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.

11. The Kansas State Board of Nursing will not take additional disciplinary action against Respondent's nursing license for the alleged violations stated above as long as Respondent completes each of the following conditions and requirements:

(a) Respondent voluntarily surrenders her midwife license #53-64057-052.

Respondent shall not practice as a midwife. Respondent understands that if she ever files for reinstatement of her midwife license she must satisfy the Board that she is safe to practice as a midwife, as well as possibly being required to take a refresher course or other education as determined by the Board.

(b) Respondent shall pay \$100.00 to the Board upon entering into this agreement to pay the cost of this action.

12. 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.

13. By signing this Initial Agreed Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This Initial Agreed Order constitutes the entire agreement of the parties and may not be modified except in

writing and approved by all parties. The effective date of this Initial Agreed Order is the date shown on the certificate of service.

14. 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.

15. Disciplinary counsel shall serve a copy of this order upon respondent counsel.

IN WITNESS WHEREOF, the parties hereto execute this INITIAL AGREED ORDER.

IT IS SO ORDERED.

Sandra Sharon
Administrative Law Judge

APPROVED BY:

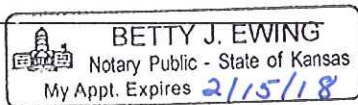
Norla Todd
Respondent
(signature must be notarized)

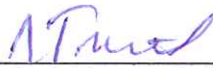
STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 16th day of May, 2016, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Norla Todd, who is personally known to me to be the same person who signed the above document and said person duly acknowledged the execution of the same and swore to the same in my presence.

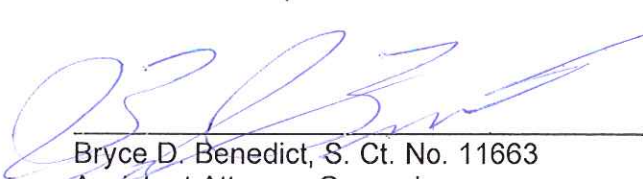
Notary Public

My Appointment Expires:





Randy J. Troutt, S. Ct. No. 10622
Counsel for Respondent



Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed with 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review 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.

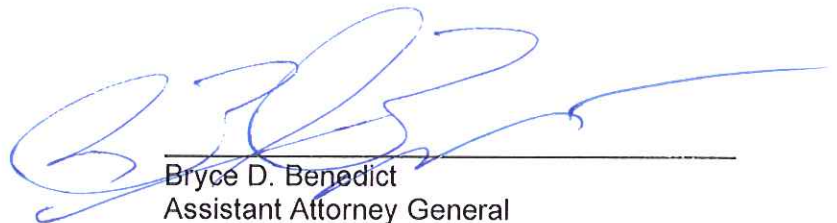
Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for review 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 10th day of June, 2016, I mailed a copy of this INITIAL AGREED ORDER to:

Randy J. Troutt
HITE, FANNING & HONEYMAN L.L.P.
100 North Broadway, Suite 950
Wichita, KS 67202-2209



Bryce D. Benedict
Assistant Attorney General