

BEFORE THE KANSAS STATE BOARD OF NURSING**KSBN**Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230**IN THE MATTER OF
KATHERINE D. ADIBNEJAD
License No. Applicant****Case No. 07-735-0****CONSENT AGREEMENT AND FINAL ORDER**

NOW ON THIS 8th day of Nov, 2007, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Applicant, Katherine D. Adibnejad, 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. Applicant submitted an endorsement application to practice nursing in the state of Kansas. The Kansas State Board of Nursing (Board) has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant's address of record is 10917 N. Donnelly Ave, Kansas City, MO 64517.
3. The Applicant understands that pursuant to K.S.A. 77-515, Applicant may be represented at Applicant's expense by, an attorney during these proceedings.
4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Applicant 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) On or about 7/12/1991, Applicant was convicted of Fraudulent Receipt of Aid, a felony, in the Superior Court of Orange County, California, case number C-86406.

(b) On or about 7/12/1991, Applicant was convicted of Fraudulent Receipt of Food Stamps, a felony, in the Superior Court of Orange County, California, case number C-86406.

(c) On or about 7/12/1991, Applicant was convicted of Fraudulent Receipt of Aid, a felony, in the Superior Court of Orange County, California, case number C-86406.

(d) On or about 12/12/2006, Applicant was convicted of False Claims for Benefits (Attempt), a misdemeanor, in the 30th Circuit Court of Michigan, case number 06-000677-FH-C30.

(e) On or about 8/3/2007, Applicant submitted an endorsement application to practice nursing as an LPN in the state of Kansas.

7. The above incidents are violations of the nurse practice act. The Applicant agrees that the board is prepared to prove that Applicant has violated: 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; K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

8. Applicant 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. Applicant 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 is established.

10. Applicant has violated the Kansas Nurse Practice Act as follows:

Count 1: 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.

Count 2: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

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 and K.S.A.77-501 et seq. and to judicial review.

13. Upon the parties entering into this Consent Agreement and with the Applicant having met all statutory requirements for licensure as a nurse in the state of Kansas, the Applicant's endorsement application to practice nursing in the state of Kansas will be granted.

14. 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 Applicant's nursing license until Applicant completes each of the conditions and requirements of this agreement. Further, the parties agree that in the event of a lapse of Applicant's nursing license, reinstatement of Applicant's nursing license shall be contingent upon this Consent Agreement and Final Order remaining in effect until Applicant completes each of the conditions and requirements of this agreement.

15. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the **Applicant's license to practice nursing in Kansas is immediately suspended. The suspension will be stayed as long as the requirements and conditions of this agreement are met.**

16. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the **Applicant's license to practice nursing in Kansas is immediately limited**. The limitations placed on the license and described below will remain in place until the requirements and conditions of this agreement are met or until the requirements and conditions of this agreement call for the modification of the limitations.

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

(a) **Applicant 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 with a Stay. The card will have an "L" indicating the limitations on the practice.**

(b) **Applicant shall not practice without onsite supervision by a qualified nurse, during the term of this Consent Agreement and Final Order.** The parties agree that this provision prohibits the Applicant from practicing nursing unless the supervising nurse is present within the same facility as the Applicant and the supervising nurse is available for periodic inspection of Applicant's nursing tasks.

(c) **Applicant shall not seek or accept employment with a nursing registry, a temporary nursing service or agency, a hospice care facility or agency, or as a home health care provider, or as a private duty nurse, or as an MDS coordinator, during the term of this consent agreement and final order.**

(d) Applicant shall immediately **notify the Legal Division of any violation of this Consent Agreement and Final Order.**

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

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

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

(h) Applicant 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.

(i) **Applicant will Submit Reports from the Applicant'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:** Once Applicant is employed in a position that utilizes his or her nursing license, or if Applicant is currently employed in a position that utilizes his or her nursing license, a nursing performance report is due by the **10th day of every third Month** until Applicant has caused the submission of **six (6) separate nursing performance reports.** The report shall be prepared and signed by Applicant's immediate supervisor or by an R.N. who evaluates Applicant'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) Applicant's name, address, telephone number, license number. (5) A short explanation of the Applicant'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.

(j) **Applicant 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.

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

19. If Applicant does not meet these conditions and requirements, the Kansas State Board of Nursing may request additional sanctions against Applicant's license or application for a license. Applicant would be sent notice of such action and would be entitled to a hearing as to whether Applicant had complied with this Consent Agreement, but Applicant could not contest the violations listed in this agreement.

20. 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 Applicant and the Applicant's attorney of record, if any. All parties agree that only serving the Notice of Hearing upon the Applicant will be proper service and it is the Applicant's responsibility to contact his or her attorney, if any, in reference to the action.

21. Applicant acknowledges and agrees that upon a first finding of Applicant not complying with the conditions or requirements of this Consent Agreement, the Stay of Suspension of Applicant's license to practice nursing in the State of Kansas, shall be lifted for a period of six months from the date of said finding. Applicant will not be allowed to practice nursing in the state of Kansas during the period of suspension.

22. Applicant acknowledges and agrees that upon a second or subsequent finding of Applicant not complying with the conditions or requirements of this Consent Agreement the Stay of Suspension of Applicant's license to practice nursing in the State of Kansas, shall be lifted for a period of one year from the date of said finding. Applicant will not be allowed to practice nursing in the state of Kansas during the period of suspension.

23. Applicant acknowledges and agrees that upon the Stay of Suspension being lifted due to a finding of non-compliance with this Consent Agreement, the Suspension will not again be Stayed until the Applicant has, following the prescribed time period of suspension, provided written verification to the Board that Applicant is in compliance with all conditions and requirements of this Consent Agreement. Upon the Applicant providing said written verification the suspension will again be stayed.

24. The Board will inactivate this case file once Applicant satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against Applicant's license for any additional or cumulative violation of the Kansas Nurse Practice Act committed by the Applicant before or after this agreement is entered into.

25. 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 and is a public record.

26. After successful completion of all of the conditions and requirements of this Consent Agreement by the Applicant, the Consent Agreement will be satisfied and the case will be inactivated.

27. By signing this Consent Agreement and Final Order, Applicant acknowledges that Applicant 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.

28. 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.

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

IT IS SO ORDERED.

[Redacted]

Katherine D. Adibnejad
Applicant
10917 N. Donnelly Ave
Kansas City, MO 64517

Katherine D. Adibnejad must sign before a Notary Public.

State of Missouri, County of Clay ss.

SUBSCRIBED AND SWORN TO before, me by Katherine D. Adibnejad

on this 3 day of November, 2007.

Toni L. Greer
Signature of Notary Public

My Commission Expires 06-24-2011
(Notary Public Seal)

[Redacted]

Mark A. Knight, #12183
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612



TONI L. GREER
My Commission Expires
June 24 2011
Clay County
Commission #07071447

[Redacted]

Sandra L. Sharon, Hearing Officer

CERTIFICATE OF SERVICE

On the 13th day of November, 2007, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Katherine D. Adibnejad
10917 N. Donnelly Ave
Kansas City, MO 64517



Mark A. Knight, #12183
Assistant Attorney General
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