

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF

MaryBeth Leigh Gloeckner, formerly known as MaryBeth Kesler

License No. Endorsement application

Case No. 16-1019-0

CONSENT AGREEMENT AND FINAL ORDER

The Kansas State Board of Nursing, represented by Assistant Attorney General Bryce D. Benedict, and the Respondent, MaryBeth Gloeckner, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

1. Respondent has filed an applicant for licensure by endorsement. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent understands that he or she may be represented at respondent's expense by an attorney during these proceedings.
3. 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.
4. 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.
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

6. 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.

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.

AGREED FINDINGS OF FACT

7. The respondent stipulates to the following facts:
- (a) Respondent was disciplined by the Missouri State Board of Nursing in case number 2010-004536.
 - (b) Respondent, while employed by Centerpoint Medical Center in Independence, Missouri submitted a urine drug screen in July 2010 that was positive for morphine and hydromorphone. Respondent did not have a prescription for these substances.
 - (c) Respondent was required by the Missouri State Board of Nursing to enroll in KNAP, the impaired provider program of the KSBN.
 - (d) Respondent entered KNAP on or about July 27, 2012 and was discharged from that program for non-compliance on or about June 21, 2013.

CONCLUSIONS OF LAW

8. The Kansas State Board of Nursing may deny a license as a registered nurse if the applicant is deficient in qualification, or in the quality of education, or if there are disqualifying factors under K.S.A. 65-1120 and amendments thereto. K.S.A. 65-1115 (a) & (b) & (c)(1).

Among the disqualifying factors enumerated in K.S.A. 65-1120 is unprofessional conduct as defined by the rules and regulations of the Kansas State Board of Nursing. K.S.A. 65-1120(a)(6). Unprofessional conduct is defined by K.A.R. 60-3-110.

The respondent stipulates that her failure to complete the impaired provider program constitutes unprofessional conduct.

DISPOSITION

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

(a) The respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order. This requirement shall last until such time as the KSBN inactivates this case as set out below.

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

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

(d) 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.

(e) Respondent agrees to be referred to KNAP and to abide by the recommendations of that program.

(f) Respondent will pay any unpaid balance to KNAP from her prior participation in that program.

(g) Respondent, once her license is no longer suspended, will not work unsupervised. Supervised practice requires supervision by a RN who is on-site with the ability

to spot check respondent's work. This limitation will exist for the twelve months following her employment in a position utilizing her Kansas nursing license.

(h) Once respondent becomes employed in a position that utilizes her Kansas nursing license, eight quarterly reports will be required as follows:

Respondent is responsible to arrange for her employer to submit quarterly performance reports 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: the 10th day of each of the months of January, April, July, and October, to begin with the first such month that occurs after the date of this Agreement, *and continuing until eight such reports have been received.*

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) The report shall be on the employer's letterhead stationery. *The report must be sent directly by the employer; it is not acceptable for the licensee to mail these reports.*

(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:

(i) Standards met regarding facility policies and procedures.

(ii) Compliance with the Kansas Nurse Practice Act.

(iii) Supervisor evaluations.

(iv) Overall appropriateness.

(v) Interactions with patients.

(vi) Interactions with staff and administration.

If the respondent is not employed in a position that utilizes her nursing license, then respondent will provide a signed statement to that effect, and which will be due on the same quarterly basis as the employer reports described above.

10. Respondent's endorsement is approved, but respondent's license is immediately suspended, and will remain suspended until respondent has been compliant for six months with any contract required by KNAP, and is in compliance with the requirements stated above.

11. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this Consent Agreement and Final Order will continue through any renewal periods of respondent's nursing license until respondent completes each of the conditions and requirements of this agreement. Further, the parties agree that in the event of a lapse of Respondent's nursing license, reinstatement of Respondent's nursing license shall be contingent upon this Consent Agreement and Final Order remaining in effect until Respondent completes each of the conditions and requirements of this agreement.

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

13. If Respondent does not meet these conditions and requirements, the 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 Consent Agreement and Final Order, but Respondent could not contest the facts or violations listed in this agreement.

14. All parties understand that if an action based on failure to meet the conditions and requirements of this Consent Agreement and Final Order 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.

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 Kansas Nurse Practice Act committed by the Respondent before or after this agreement is entered into.

16. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. 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.

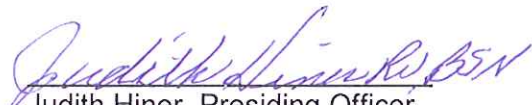
17. After successful completion of all of the conditions and requirements of this Consent Agreement and Final Order by the respondent, the Consent Agreement will be satisfied and the case will be inactivated.

18. 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.

19. The 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.

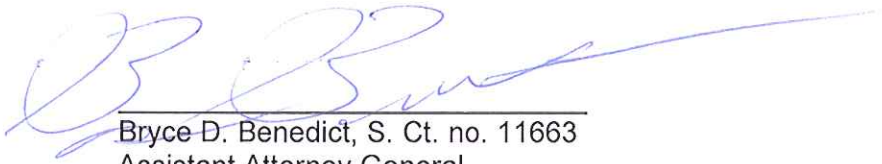
20. Disciplinary counsel shall serve a copy of this order upon the respondent.

IT IS SO ORDERED.


Judith Hiner, Presiding Officer
Chair, Investigative Committee
Kansas State Board of Nursing

APPROVED BY:

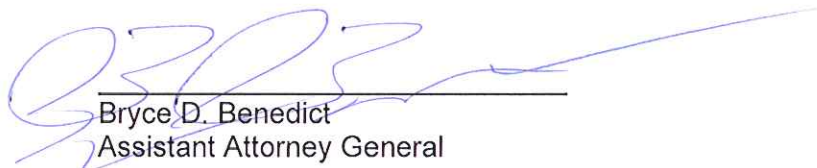

MaryBeth Gloeckner


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

CERTIFICATE OF SERVICE

On the 23^d day of November, 2016, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

MaryBeth Gloeckner
13930 120th Street
Olathe KS 66062


Bryce D. Benedict
Assistant Attorney General