

BEFORE THE KANSAS STATE BOARD OF NURSING

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

Filed
JUL 21 2004
Board of Nursing

IN THE MATTER OF
KIM BOLAND
LICENSE NO. 13-076443-041

CASE NO. 02-473-3, 02-530-3, 03-366-3,

CONSENT AGREEMENT SUSPEND AND LIMIT LICENSE AND FINAL ORDER

NOW ON THIS 19 day of July, 2004, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Kim Boland, enter into the following agreement:

1. Respondent is licensed to practice nursing in Kansas as a Registered Nurse until 4/30/2005.
2. Respondent's address of record is 310 Broadway, Jewel, KS 66949.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act 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(a) is established.

AGREED FINDINGS OF FACT
CASE 02-530-3

5. On or about June and July 2002 while employed at Hilltop Lodge Nursing Home, Beloit, KS the licensee was found to have diverted hydrocodone from a patient's medications. The licensee had substituted Tylenol in the place of hydrocodone in bubble packs belonging to patients. The license was referred to KNA by the Board on 12/20/2002.

Case 02-473-3

6. On or about August 2002 while employed as a nurse at Cheyenne Lodge Nursing Home, Jamestown, KS the licensee was found to have diverted 6 Lortabs, 1 Oramorph and 2 Roxicet from a patient's medications. The licensee had substituted Tylenol in the place of missing drugs in bubble packs belonging to patients. The licensee was referred to KNAP by the board.

Case 03-663-3

7. On or about June and July 2003 while employed at the Nicol Home, Glasco, KS licensee signed out Lortab to a resident who had been discharged. She also forged signatures of other nurses on narcotics records in order to divert Lortabs.

CONCLUSIONS OF LAW

8. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion (K.A.R. 60-3-110(n)

Count 2: K.A.R. 60-3-110(d) by inaccurately recording, falsifying, or altering any record of a patient, or agency or of the board.

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

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

9. 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

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

DISPOSITION

11. 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.
12. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the license card will be issued with an “S” and an “L.” The license will **suspended** until licensee is enrolled in KNAP, and has been found to be safe to practice nursing through KNAP. The license will be **limited** and respondent will be allowed to practice under the following conditions:
 - a. Licensee shall participate in and complete the recommendations and requirements of the **Kansas Nurses Assistance Program (KNAP)**; sign releases of information necessary for KNAP to evaluate and monitor licensee and for KNAP to report information to the board.
 - b. Licensee shall send a **money order for \$70** to the Board upon entering into this agreement.
 - c. Licensee will **not work in home health, agency work, or private duty nursing**. This is a **permanent limitation** on her license.
 - d. Licensee will have a **permanent narcotic key restriction** on her license, she will not pass any controlled substance medications. This is a permanent limitation on her license.
 - e. Licensee is responsible for the costs related to satisfying these conditions.
13. If licensee does not meet these requirements, petitioner will file a motion to lift the stay and may request additional sanctions against licensee’s license or application for a license. Licensee would be sent notice of such action and would be entitled to a hearing as to whether he/she had complied with this agreement, but he/ she could not contest the established

violation(s).

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

15. Licensee shall immediately notify the Legal Division of any use of alcohol, or controlled substances, or any violation of this Consent Agreement and Final Order.

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

17. The parties understand and acknowledge that this is a disciplinary action; it will be in the newsletter and on the website. The original of this agreement shall be placed in the Agency Record and is a public record.

18. By signing this Consent Agreement, respondent acknowledges that he/she 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.

IN CONCLUSION

19. This agreement places **permanent limitations** on the licensee's license:

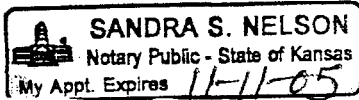
- a) No home health, no private duty, no agency work;
- b) A permanent **narcotic** key restriction, no passing or handling controlled substances.

20. The license remains **suspended** until licensee is reported by KNAP to be safe to practice nursing. At that time upon written notification, an Agreed Order can place a stay on the suspension.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT TO SUSPEND
AND LIMIT LICENSE AND FINAL ORDER.

Kim Boland
310 Broadway
Jewell, KS 66949

State of Kansas)
County of JEWELL) SS
Subscribed to before me by Kim Boland on 7-19, 2004.
(seal)



Signature of Notary Public

Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-4325

IT IS SO ORDERED.

Terry Beck
Hearing Officer

CERTIFICATE OF SERVICE

On the 22 day of July, 2004, I caused a copy of this document to be mailed, postage prepaid, to :

Kim Boland
310 Broadway
Jewell, KS 66949

Betty Wright, Assistant Attorney General