

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

Filed
JUL 14 2004
Board of Nursing

IN THE MATTER OF
VICKY ADAMS

CASE NO. 03-144-3

LICENSE NO. 23-09483-051 and RN application

**CONSENT AGREEMENT TO SURRENDER AND REVOKE LPN LICENSE AND DENY RN
LICENSE AND FINAL ORDER**

Now on this 9th day of July, 2004, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the licensee, Vicky Adams, through her counsel Larry Livengood, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Respondent is licensed to practice nursing in Kansas as an LPN. through 5/31//2005. Respondent applied for a license as a registered nurse on 5/7/2003. The Board has jurisdiction over the licensee and the subject matter of this action.
2. 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.
3. The Board has filed a petition to take disciplinary action against the licensee's LPN license.
4. Licensee has the right to a hearing and the right to seek review of the findings from these hearings in accordance with the Kansas administrative procedure act and the Kansas act for judicial review and civil enforcement of agency actions. Licensee is waiving those rights and knowledgeably 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.

AGREED FINDINGS OF FACT

5. On or about August 2001 through 2003 respondent practiced nursing in and was an owner of a residential care facility called Twilight Years Adult Care Home, Inc., Minneapolis, Kansas. In her capacity

as nurse/employee and owner of the facility, licensee exploited the patients by having the residents, who were sometimes too confused or disabled to make business decisions, sign vague occupancy agreements. The residents would prepay for two years of residential care, however when they left the facility prior to the two year agreement, licensee did not refund the balance remaining on their contracts to them. Two residents filed lawsuits and obtained judgments totaling \$112, 982.00. The licensee admitted that she continues to owe former patients the amounts claimed, but she has spent the money and can not reimburse them.

Conclusions of Law

6. 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.
7. 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.
8. Respondent has violated:
 - (a) K.S.A. 65-1120 (a)(1) To be guilty of fraud or deceit in practicing nursing;
 - (b) K.S.A. 65-1120(a)(6);unprofessional conduct, defined by administrative regulation K.A.R. 60-3-110; (a) diverting drugs, supplies or property of a patient or agency;
 - (c) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (O) exploitation, which shall be defined as misappropriating a patient's property or taking unfair advantage of a patient's physical or financial resources for the licensee's or another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false pretense, or false representation.

POLICY STATEMENT

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

DISPOSITION

10. Licensee is surrendering her LPN license to practice nursing in Kansas.
11. Licensee's application for a license as an RN is denied.
12. Upon signing this agreement and returning it to the Board, licensee shall **return her LPN license**

card with the agreement. Licensee shall not practice nursing in Kansas.

13. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on her license. The original of this document shall be kept in the Board's agency file and its contents may be disclosed to the public upon request.

14. If licensee does seek reinstatement of her license, the agreed facts are admitted, she has waived her right to a hearing on the facts in this matter, however to receive a reinstatement of her license the licensee will have the opportunity at that time to prove her fitness to practice nursing.

15. By their signatures, the parties hereby acknowledge this agreement.

WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LPN LICENSE AND DENY RN LICENSE AND FINAL ORDER.

IT IS SO ORDERED.

Terry Beck, Hearing Officer

Approved by:

Larry Livengood
Attorney at Law
227 N. Santa Fe, Ste 303
Salina, KS 67401

Vicky Adams
Licensee
P.O. 1414
Cripple Creek, KS 80813

State of Kansas)
County of Saline) SS

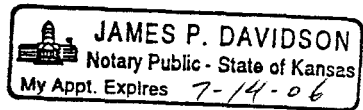
Subscribed to before me by Vicky Adams on this 2nd day of July, 2004.

(seal)

Signature of Notary Public

Prepared by:

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



CERTIFICATE OF SERVICE

On the 19th day of July, 2004, I caused a copy of this document to be mailed, postage prepaid to respondent and to the attorney:

Larry Livengood
Attorney for the Respondent
227 N Santa Fe, Ste 303
Salina, KS 67401

Vicky Adams
PO Box 1414
Cripple Creek, CO 80813

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