

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson 1051
Topeka, Kansas 66612-1230

Filed
MAY - 3 2004
Board of Nursing

IN THE MATTER OF
PAUL MCDONALD
LICENSE NO. 24-025972-061

CASE NO. 03-289-7

CONSENT AGREEMENT TO REINSTATE WITH LIMITATIONS AND FINAL ORDER

NOW ON THIS 23rd day of April, 2004, the Kansas State Board of

Nursing, represented by Assistant Attorney General, Betty Wright, and the respondent, Paul McDonald, enter into the following agreement:

1. Respondent allowed his license to practice nursing in Kansas as a Practical Nurse to lapse 6/30/03.
2. Respondent applied for reinstatement on 7/1/03, but the application became over six months old and expired. Respondent applied for reinstatement on 4/2/04.
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

5. The respondent has a history with the board in reference to drug problems. He has three previous cases with the board: in case 97-472-7 his license was suspended due to positive UDS for Lortab. Case 98 641-7 in which letters were not received by the board, but was resolved by affidavits was inactivated. Case 01-166-0 required 2 hrs of CNE from licensee, due to revocation of

nursing license in Missouri. The revocation was a result of the previous Kansas case in which the licensee failed to provide a chemical dependency evaluation to the Missouri Board.

6. In the current case on or about 4/17/03 to 4/28/03 the licensee was employed at Providence Place an adult care home in Kansas City, Ks. The pharmacy clerk noticed a discrepancy in the Ativan count. The Sure-Med system showed a pattern in the dispensing of the licensee, indicating that Percocet and Lortab were being taken more frequently than ordered. A total of 64 Percocet and 98 Lortab were unaccounted for. The licensee denies taking the medications, and stated that another staff person could have used his code. The decision of the Board in this case was to refer the licensee to KNAP for a drug dependency evaluation. [REDACTED]

[REDACTED]

[REDACTED] His initial

reinstatement application was made on July 1, 2003 and was allowed to expire.

CONCLUSIONS OF LAW

7. Respondent has the right to a hearing for reinstatement with evidence and witnesses to establish evidence of his/her fitness to practice nursing 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 and the Kansas State Board of Nursing are waiving those rights and voluntarily entering into this consent agreement instead of proceeding to such a hearing.
8. The above incidents are violations of the nurse practice act. The respondent has denied some of the allegations, but agrees that the board is prepared to prove that he has violated:
 - (a) K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);
 - (b) K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
 - (c) K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d);

(d) K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board

POLICY STATEMENT

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

DISPOSITION

10. 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 "L"; 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 take any private duty, home health, or agency work until next renewal period** .

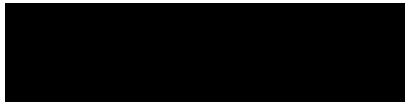
11. Respondent is responsible for the costs related to satisfying these conditions.

12. If respondent does not meet these requirements the Board of Nursing may request additional sanctions against applicant'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 she had complied with these orders, but respondent could not contest the established violations.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO REINSTATE LICENSE WITH LIMITATIONS AND FINAL ORDER


Terry Beck, Hearing Officer

Prepared by:



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



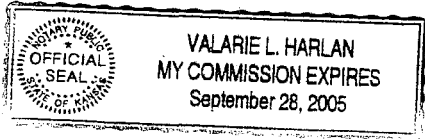
Paul McDonald
Licensee
37 S. 24th St.
Kansas City, KS 66106

State of Kansas)
County of WYANDOTTE) SS

Subscribed to before me by Paul McDonald on this 23rd day of April, 2004.

(seal)

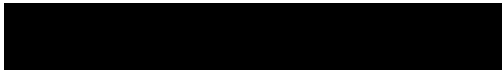
Signature of Notary Public



CERTIFICATE OF SERVICE

On the 7th day of May, 2004, I caused a copy of this document to be mailed, postage prepaid, to respondent at the above address.

Paul McDonald
37 S. 24th St.
Kansas City, KS 66106



Betty Wright