

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*William O. Harman*  
Executive Director of the Board

**In the Matter of  
Permanent Registered Nurse  
License Number 677084  
Issued to SUSAN H CONTRERAS,  
Respondent**

§ **BEFORE THE TEXAS**  
§  
§ **BOARD OF NURSING**  
§  
§ **ELIGIBILITY AND**  
§  
**DISCIPLINARY COMMITTEE**

**ORDER OF THE BOARD**

TO: Susan Contreras  
9210 Gross St  
Beaumont, TX 77707

During open meeting held in Austin, Texas, on February 11, 2020, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 677084, previously issued to SUSAN H CONTRERAS to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 11<sup>th</sup> day of February, 2020

TEXAS BOARD OF NURSING



BY: \_\_\_\_\_

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed December 17, 2019

d17r(2020.01.21)

Re: Permanent Registered Nurse License Number 677084  
Issued to SUSAN H CONTRERAS  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12 day of February, 2020, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested.  
Copy Via USPS First Class Mail

Susan Contreras  
9210 Gross St  
Beaumont, TX 77707



BY: \_\_\_\_\_

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of  
Permanent Registered Nurse  
License Number 677084  
Issued to SUSAN H CONTRERAS,  
Respondent

§ BEFORE THE TEXAS  
§  
§  
§ BOARD OF NURSING  
§

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SUSAN H CONTRERAS, is a Registered Nurse holding license number 677084 which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### CHARGE I.

On or about April 10, 2018, Respondent's license to practice nursing in the State of Kansas was INDEFINITELY SUSPENDED under a Summary Order entered into by the Kansas State Board of Nursing. A copy of the Summary Order, and Findings of Fact dated April 10, 2018, is attached and incorporated, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

#### CHARGE II.

On or about May 8, 2019, Respondent failed to comply with the Agreed Order issued to her on May 8, 2018, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Four (IV), Subsections (A)&(B), of the order which reads, in pertinent part:

PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of licensure, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length...
- B. **The course "Sharpening Critical Thinking Skills."** a 3.6 contact hours online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Behavior Involving Lying and Falsification, and on adopted policies related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

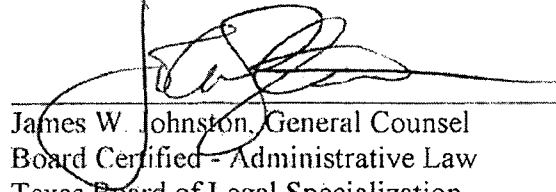
BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.  
CONTINUED ON NEXT PAGE.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated May 8, 2018.

Filed this 17 day of December, 2019.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Deputy General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24036103

Helen Kelley, Assistant General Counsel  
State Bar No. 24086520

Skyler Landon Shafer, Assistant General Counsel  
State Bar No. 24081149

JoAnna Starr, Assistant General Counsel  
State Bar No. 24098463

Jacqueline A. Strashun, Assistant General Counsel  
State Bar No. 19358600

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512) 305-7401

Attachment(s): Order(s) of the Board dated May 8, 2018.

D(2019.12.11)



BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of	§	AGREED
Registered Nurse License Number 677084	§	
issued to SUSAN H CONTRERAS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUSAN H CONTRERAS, Registered Nurse License Number 677084, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(8), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 7, 2018.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in delinquent status.
4. Respondent received a Baccalaureate Degree from McNeese State University, Lake Charles, Louisiana, on June 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on May 7, 2001.
5. Respondent's nursing employment history is unknown.

6. On or about July 2, 2014, Respondent's license to practice professional nursing in the State of Missouri was REVOKED under an Order entered into between by the State of Missouri, State Board of Nursing, Department of Professional Registration, Jefferson City, Missouri. A copy of the Findings of Fact, Conclusions of Law, and Disciplinary Order dated July 2, 2014, is attached and incorporated, by reference, as part of this Order.
7. In response to Findings of Fact Number Six (6), Respondent states during her employment with Spectrum Home Health, a complaint was filed alleging abuse. Respondent resigned her position and stated she never received notification of any change from her temporary license to a permanent license or any further notification. In August 2015, Respondent states she was informed by her employer that Missouri had posted the revocation of her license.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 677084, heretofore issued to SUSAN H CONTRERAS.
4. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

#### TERMS OF ORDER

##### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.



- C. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

## II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

## III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

## IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse,

Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.

- B. The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

#### V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this

Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

- C. **Indirect Supervision:** RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

## VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5<sup>th</sup> day of April, 2018.

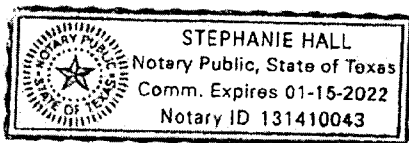
Susan H. Contreras  
SUSAN H. CONTRERAS, Respondent

Sworn to and subscribed before me this 5<sup>th</sup> day of April, 2018.

SEAL

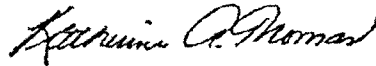
Stephanie Hall

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of April, 2018, by SUSAN H. CONTRERAS, Registered Nurse License Number 677084, and said Order is final.

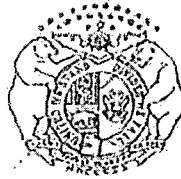
Effective this 8<sup>th</sup> day of May, 2018.



---

Katherine A. Thomas, MN, RN, FAAN  
Executive Director on behalf  
of said Board

Before the  
Administrative Hearing Commission  
State of Missouri



STATE BOARD OF NURSING, )  
 )  
 ) Petitioner, )  
 )  
 vs. ) No. 12-1725 BN  
 )  
 ) SUSAN CONTRERAS, )  
 )  
 ) Respondent. )

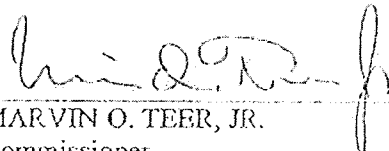
**DEFAULT DECISION**

On September 18, 2012, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by publication on November 3, 2013.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2012), we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on December 18, 2013.

  
MARVIN O. TEER, JR.  
Commissioner

BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

MISSOURI STATE BOARD  
OF NURSING,  
3605 Missouri Blvd.  
P.O. Box 656  
Jefferson City, MO 65102  
(573) 622-6047

Petitioner,

v.

SUSAN CONTRERAS,  
12728 East 62<sup>nd</sup> Court.  
Kansas City, MO 64133

Respondent.

**FILED**

SEP 18 2012

ADMINISTRATIVE HEARING  
COMMISSION

Case No: 12-1785 BN

COMPLAINT

COMES NOW Petitioner Missouri State Board of Nursing ("Board") and states for its cause of action against Respondent the following:

1. The Missouri State Board of Nursing is an agency of the State of Missouri created and established pursuant to §335.021, RSMo,<sup>1</sup> for the purpose of executing and enforcing the provisions of Chapter 335, RSMo, the Nursing Practice Act.

2. Respondent Susan Contreras is licensed by the Board as a registered professional nurse, license number RN2010030582. Respondent's license is currently lapsed as of April 30, 2011. Licensee's license was current and active at all other times relevant herein.

<sup>1</sup> All references are to the 2000 Missouri Revised Statutes unless stated otherwise.

3. At all times relevant herein, other than as specified herein, Licensee was employed by Spectrum Home Health Agency (Spectrum) in Kansas City, Kansas.

4. A Spectrum patient's family notified Spectrum that Licensee did not make home visits on November 9, 2010 and November 11, 2010. On one of the dates in question, the patient was not home because he had a doctor's appointment. Licensee entered the dates in the Spectrum computer system as though she had made the two visits. Licensee had no patient signed notes for the two dates. In meeting with Spectrum's Clinical Director and Administrator, Licensee stated that she must have gotten her dates mixed up and that she did not complete the documentation in the patient's home or get the patient's signature.

5. Spectrum terminated Licensee on December 14, 2010 as a result of her failure to make the two visits and fraudulent entry into the computer system.

6. Licensee had a duty of professional trust and confidence to her patients to document her visits with them fairly and accurately, so that their treatment and visits with a licensed nurse would be described completely in a patient history. Licensee also had a duty of professional trust to her employer to document her working hours correctly. Licensee violated these trusts as a nurse by falsely documenting such visits when they in fact did not occur.

7. Licensee falsely documented that she had visited a particular patient on two separate occasions when in fact she had not and therefore committed fraud and misconduct in the performance of her duties as a nurse.

8. Licensee's conduct, as described in paragraphs 1 through 5 above, constitutes a violation of a professional trust or confidence for which the Board has cause to discipline Licensee's license.

9. Licensee's conduct, as described in paragraphs 1 through 5 above, constitutes



fraud or misconduct in the performance of the functions and duties of a nurse for which the Board has cause to discipline Licensee's license.

10. Cause therefore exists for the Board to discipline Respondent's nursing license pursuant to §335.066.2 (5), and (12), RSMo, which state:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by sections 335.011 to 335.096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one of any combination of the following causes:

\* \* \* \*

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 335.011 to 335.096;

\* \* \* \*

(12) Violation of any professional trust or confidence;

\* \* \* \*

WHEREFORE, the Board respectfully requests that the Administrative Hearing Commission conduct a hearing, if necessary, and thereafter issue its findings of fact and conclusions of law so that the Board may take disciplinary action against the nursing license of Respondent for violations of the Nursing Practice Act.

Respectfully submitted,



Rodney P. Massman, #37631  
Legal Counsel

BEFORE THE STATE BOARD OF NURSING  
STATE OF MISSOURI

STATE BOARD OF NURSING,	)		
	)		
Petitioner,	)		
vs.	)	Case Number	2010-007483
	)		12-1725 BN
SUSAN CONTRERAS,	)		
	)		
Respondent.	)		

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DISCIPLINARY ORDER**

This Board filed a complaint with the Administrative Hearing Commission seeking authority to discipline the nursing license of Susan Contreras. The Administrative Hearing Commission entered a Default Decision in this matter on December 18, 2013, finding that the Board was entitled to the relief sought in the complaint. The Board convened a hearing on June 13, 2014, at its regular meeting in Jefferson City to determine what discipline, if any, should be imposed on Respondent's nursing license.

Respondent, though duly notified of the time and place of the hearing, failed to appear in person or by counsel. The Board was represented by Rodney Massman. Ian Hauptli acted as legal advisor to the Board. Evidence was adduced, exhibits were received and the matter was taken under advisement. The Board now enters its findings of fact, conclusions of law and disciplinary order in this matter:

**FINDINGS OF FACT**

1. The State Board of Nursing (Board) is an agency of the State of Missouri created and established pursuant to §335.021 RSMo<sup>1</sup> with the function of executing and

---

<sup>1</sup> All statutory references are to the Revised Statutes of Missouri as amended through 2012.

enforcing the provisions of Chapter 335 RSMo, the Nursing Practice Act, for the purpose of safeguarding the public health.

2. Susan Contreras holds a license from this Board as a registered professional nurse, RN 2010030582. Respondent's license was current and active at all times relevant herein. However, Respondent's license expired April 30, 2011 and remains lapsed at this time.

3. Susan Contreras has failed to plead or otherwise defend against the action initiated upon a properly pled writing and upon proper notice by the Board that a disciplinary hearing was scheduled against her on June 13, 2014, at 8:30 a.m. to determine the appropriate level of discipline, if any, to be assessed against the license of Susan Contreras for her violations of the nursing practice act.

4. After personal service was unsuccessful, the Board published a Legal Notice in the Jefferson City News Tribune notifying her that an action has been commenced against her before the Missouri State Board of Nursing and that she needed to file an answer, other pleading or otherwise appear and defend against the complaint or a judgment of default would be rendered against her. Said publication ran on April 13, 2014; April 20, 2014; April 27, 2014; and May 4, 2014.

5. On December 18, 2013, the Administrative Hearing Commission entered a default decision finding that the Board was entitled to the relief requested in its complaint, therefore finding cause to discipline Respondent's registered professional nursing license pursuant to Sections 335.066.2(5) and (12), RSMo.

6. All allegations in the Complaint filed with the Administrative Hearing Commission are deemed admitted by Respondent.

7. At all times relevant herein, other than as specified herein, Licensee was employed by Spectrum Home Health Agency (Spectrum) in Kansas City, Kansas.

8. A Spectrum patient's family notified Spectrum that Licensee did not make home visits on November 9, 2010 and November 11, 2010. On one of the dates in question, the patient was not home because he had a doctor's appointment. Licensee entered the dates in the Spectrum computer system as though she had made the two (2) visits. Licensee had no patient signed notes for the two (2) dates. In meeting with Spectrum's Clinical Director and Administrator, Licensee stated that she must have gotten her dates mixed up and that she did not complete the documentation in the patient's home or get the patient's signature.

9. Spectrum terminated Licensee on December 14, 2010 as a result of her failure to make the two (2) visits and fraudulent entry into the computer system.

10. Licensee had a duty of professional trust and confidence to her patients to document her visits with them fairly and accurately, so that their treatment and visits with a licensed nurse would be described completely in a patient history. Licensee also had a duty of professional trust to her employer to document her working hours correctly. Licensee violated these trusts as a nurse by falsely documenting such visits when they in fact did not occur.

11. Licensee falsely documented that she had visited a particular patient on two separate occasions when in fact she had not and therefore committed fraud and misconduct in the performance of her duties as a nurse.

12. The Board proceeded with a hearing upon a properly filed complaint that Respondent failed to respond to and she was properly notified that the Board would

hold a hearing on the complaint on June 13, 2014. The Board has considered the evidence presented at the hearing and determines that discipline is appropriate to be imposed against her nursing license.

13. The Board finds that this Order is issued to safeguard the public health.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to discipline Respondent's license pursuant to the provisions of §335.066.2(5) and (12) RSMo, which provides:

2. The Board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit, or license required by sections 335.011 to 335.096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

\*\*\*\*\*

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 335.011 to 335.096;

\*\*\*\*\*

(12) Violation of any professional trust or confidence[.]

2. The Board has jurisdiction to discipline Respondent's license pursuant to §335.066.3 RSMo, which provides:

After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a

period not to exceed three years, or revoke the license, certificate, or permit.

3. “[G]rounds for discipline specified in such a professional-licensing statute should be liberally construed to protect the public.” Professional licensing statutes are not penal in nature and the “powers conferred upon boards of health to enable them effectively to perform their important functions in safeguarding the public health should receive a liberal construction.” *Koetting v. Bd. of Nursing*, 314 S.W.3d 812, 819 (Mo. App. 2010).

4. Section 324.045, RSMo provides:

1. Notwithstanding any provision of chapter 536, in any proceeding initiated by the division of professional registration or any board, committee, commission, or office within the division of professional registration to determine the appropriate level of discipline or additional discipline, if any, against a licensee of the board, committee, commission, or office within the division, if the licensee against whom the proceeding has been initiated upon a properly pled writing filed to initiate the contested case and upon proper notice fails to plead or otherwise defend against the proceeding, the board, commission, committee, or office within the division shall enter a default decision against the licensee without further proceedings. The terms of the default decision shall not exceed the terms of discipline authorized by law for the division, board, commission, or committee. The division, office, board, commission, or committee shall provide the licensee notice of the default decision in writing.

#### ANALYSIS

The Administrative Hearing Commission found that the Board was entitled to the relief sought in the complaint filed by the Board. As set forth in the findings of fact, Respondent falsely documented that she provided care to a patient on two (2) occasions. Respondent fraudulently documented that she made two (2) visits to her patient when she had not seen the patient and Respondent provided no care to her

patient on those two dates. Patients entrust their lives to nurses to carry out and administer proper medical care along with properly documenting the care that is provided. Nurses have a duty to their patients to accurately document any care provided so that the patient's treatment and visits with a licensed nurse will be described completely in a patient history. This allows doctors and nurses who examine the patient's history to know what care has been previously provided. If that information is falsified, a patient could suffer further health problems, as no one would know what care the patient had previously received. A nurse who fails to properly care for her patient, as Respondent has failed to do so here, is not safe to practice nursing.

Respondent is in default and offered no mitigating evidence to the Board regarding the findings of the AHC or as to the appropriate level of discipline the Board should impose.

The Board is charged with executing and enforcing the Nursing Practice Act for the purpose of safeguarding the health of the public. The Board therefore finds and concludes that the appropriate level of discipline for the license of Susan Contreras is REVOCATION in order to safeguard the health of the public.

#### DISCIPLINARY ORDER

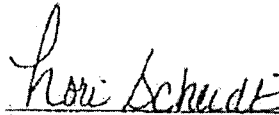
1. The Missouri State Board of Nursing enters its Order and REVOKES the nursing license and the privilege to practice, if any, in the State of Missouri of Respondent, Susan Contreras, RN 2010030582. It is further ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Missouri pursuant to a multistate licensure privilege without the written

permission of the State of Missouri and the Board of Nursing in the party state where Respondent wishes to practice nursing.

2. The Board will maintain this Order as an open and public record of the Board as provided in Chapters 324, 335 and 610, RSMo. The Board will report this Order to data banks, other appropriate entities and in its newsletter. This is a disciplinary action against Respondent's license. The original of this document shall be kept in the Board's file and its contents shall be disclosed to the public upon proper request.

ENTERED THIS 2<sup>nd</sup> DAY OF JULY, 2014.

STATE BOARD OF NURSING



Lori Scheidt  
Executive Director



**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
Susan Hall Contreras**

**EFFECTIVE AS A  
FINAL ORDER**

**License No. 14-106651-081  
KSBN Case No. 14-1372-0**

**DATE: \_\_\_\_\_**

**SUMMARY ORDER**

The above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the nurse license of Susan Contreras, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

1. a. Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.  
b. Licensee's address of record is 8218 Fayette Ave, Kansas City KS 66109.
2. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
3. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure such person if certain enumerated grounds for disciplinary action are found. These grounds include various specific charges enumerated in K.S.A. 65-1120(a)(1) to (9), to include unprofessional conduct as defined by the rules and regulations of the Board.

Pursuant to K.S.A. 74-1110 the Kansas State Board of Nursing may also assess a civil fine not to exceed \$1,000.00 for the first violation of a law or rule and regulation applicable to the practice for which such person has been granted a license.

4. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

FINDINGS OF FACT

5. Licensee entered into a Diversion Agreement in which she stipulated to the following facts and violations:

FACTS

- (a) In Kansas State Board of Nursing case number 11-1206-7 she was disciplined for the unlicensed practice of nursing.
- (b) In Kansas State Board of Nursing case number 12-225-7 she was disciplined for the unlicensed practice of nursing.
- (c) On or about July 14, 2014 the Missouri Board of Nursing revoked her license, finding she "falsely documented that she provided care to a patient on two (2) occasions," and "fraudulently documented that she made two (2) visits to her patient when she had not seen the patient." These acts were alleged to have occurred in November 2010.
- (d) She failed to timely advise the Kansas State Board of Nursing of her change of address. As of July 20, 2015 her address of record was 1702 S. Arlington in Independence, Missouri, when in fact her actual address was as listed above. Not until this present disciplinary matter was instituted did she update her address.

VIOLATIONS

Count 1: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

Count 2: K.S.A. 65-1117(c)(1) failing to notify the Board in writing of a change in name or address within 30 days of the change.

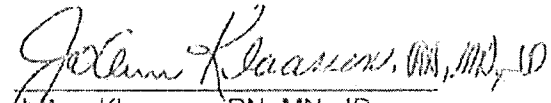
6. Licensee's Diversion Agreement imposed certain requirements upon the Licensee, including that she would not practice unsupervised, that certain CNE would be timely provided, and that employer performance reports would be provided.

7. Licensee has failed to honor her obligations under the Diversion Agreement. The Diversion Agreement provided that in the case of such a failure she may not contest the violations above.

**IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**

- 1. Licensee's license is indefinitely suspended.
- 2. Licensee shall not practice nursing in the state of Kansas.

Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

  
JoAnn Klaassen, RN, MN, JD  
Investigative Committee, Vice Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 6<sup>th</sup> day of March, 2018, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Susan Contreras  
8218 Fayette Ave  
Kansas City KS 66109

Bryce D. Benedict, S. Ct. No. 11663  
Assistant Attorney General

**FINAL ORDER NOTICE OF RIGHTS**

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition must be filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Carol Moreland, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka KS 66612.

**CERTIFICATE OF SERVICE**

I certify that on the 17<sup>th</sup> day of April, 2018, a copy of the Final Order, and Final Order Notice of Rights, were served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Susan Contreras  
8218 Fayette Avenue  
Kansas City KS 66109

\_\_\_\_\_  
Bryce D. Benedict, S.Ct. no. 11663  
Assistant Attorney General