

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 944104	§	
issued to SARAH KATHERINE SWENSON	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SARAH KATHERINE SWENSON, Registered Nurse License Number 944104, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 1, 2020.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Pratt Community College, Pratt, Kansas, on July 1, 2006. Respondent was licensed to practice professional nursing in the State of Texas on May 29, 2018.
5. Respondent's nursing employment history is unknown.

6. On or about August 30, 2019, Respondent's Kansas Registered Nurse License was issued a Summary Order by the Kansas State Board of Nursing, Topeka, Kansas. A copy of the Summary Order dated August 30, 2019, is attached and incorporated by reference as part of this pleading.
7. In response to Finding of Fact Number Seven (7), Respondent states she received censure on her Kansas Registered Nurse License in September 2019 and she has completed 3 hours of continuing education on patient advocacy. Respondent states she has completed the requirements placed by the Kansas State Board of Nursing, the case is closed and her Kansas Registered Nurse License remains active without restrictions.
8. Formal Charges were filed on December 13, 2019.

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 944104, heretofore issued to SARAH KATHERINE SWENSON.
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 **REPRIMAND WITH STIPULATIONS** and RESPONDENT'S license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for

reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have representation by counsel. I have reviewed this Order. I neither admit nor deny the violations 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 this Order is subject to modification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. I understand that I will be subject to all terms and conditions of this Order. I will be subject to investigation and disciplinary action, including possible revocation of my license(s) and/or privileges to practice nursing in the state of Texas, as a consequence of my noncompliance. I further understand that the Board of Nursing may require me to reactivate my license(s). I will be required to satisfy, at a minimum, the continuing education requirements that would have been part of this Order had the license(s) not been suspended. I will also be required to satisfy all other existing requirements for the license(s).

Signed this 5th day of October, 2020

Sarah Katherine Swenson
SARAH KATHERINE SWENSON, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 20____

SEAL

Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of October, 2020, by SARAH KATHERINE SWENSON, Registered Nurse License Number 944104, and said Agreed Order is final.

Effective this 10th day of November, 2020.

A handwritten signature in black ink, reading "Katherine A. Thomas". The signature is written in a cursive style with a horizontal line underneath it.

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

FILED

SEP 17 2019

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF
SARAH KATHERINE SWENSON
f/k/a Sarah Katherine Eubanks
f/k/a Sarah Katherine Gardner
f/k/a Sarah K Bass

License No. 13-103177-092
KSBN Case No. 18-1492-1

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 and Kansas House Bill 2496, Act of April 10, 2018, ch. 42 Session Laws of Kansas 2018 (to be codified at K.S.A. 65). The Board hereby proposes to find facts and take disciplinary action against the nurse license of Sarah Katherine Swenson, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

1. Licensee is licensed to practice nursing in the state of Kansas. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board and the courts and the laws of the party state in which the client is located at the time the service is provided. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 11217 Tilman Road, Dodge City, Kansas 67801.
3. The role of the Board is to protect citizens of Kansas.
4. Pursuant to K.S.A. 65-1120(a), the Board 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 ruled and regulations of the Board.
5. Pursuant to Article V of Kansas House Bill 2496 the Board may take adverse action against a nurse's privilege to practice within the state of Kansas.

6. Pursuant to Article V of Kansas House Bill 2469, the privilege to practice in other jurisdictions, granted by a Kansas multistate license, is deactivated during the pendency of a disciplinary order.
7. Pursuant to Kansas House Bill 2469, the privilege to practice in other jurisdictions, granted by a Kansas multistate license, is deactivated if the Licensee is enrolled in an alternative program, including KNAP.
8. Pursuant to K.S.A. 74-1110 the Board 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.
9. After an investigation, the Board's investigative committee found reasonable grounds to believe that the licensee violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
10. 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

11. On August 3, 2017, at 0250 a patient was admitted to the Emergency Department (ED) at Western Plains Medical Complex (WPMC) when Licensee was working. The patient was pregnant and complained of chest pain and abdominal pain and had a history of pre-eclampsia in her last pregnancy.
12. At 0255 Licensee was noted as the primary nurse. A GI cocktail was administered to the patient at 0315.
13. The patient was discharged to home at 0417 by the MD. The OB was not consulted.
14. The patient again presented to the ED on August 5, 2017, complaining of upper abdominal pain. The patient was diagnosed with other pregnancy related conditions, third trimester and epigastric pain.
15. The patient was administered a GI cocktail and was discharged to home without consulting the OB.
16. On August 6, 2017, Patient again presented to the ED with epigastric discomfort, headache, and nausea. Patient was immediately transported to labor and delivery (LD).

17. Patient was diagnosed with, among other things, pre-eclampsia, complicating childbirth, severe pre-eclampsia, complicating childbirth. Patient underwent a C-section, stat, and both patient and child were transferred to Wesley.
18. Patient died on August 9, 2017.
19. WPMC policies and procedures dictate that when a patient who is greater than 20 weeks gestation, presenting with a medical condition (signs and symptoms that are unrelated to pregnancy), upon collaboration of the ED physician and the obstetrical provider, further fetal monitoring and assessment for fetal wellbeing may be indicated and is recommended for a gestational age of 24 weeks or greater in L & D by a qualified labor and delivery registered nurse prior to disposition.

VIOLATIONS

20. The above fact findings establish evidence that the Licensee violated the following provisions of the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

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

1. Licensee's license is **PUBLICLY CENSURED**.
2. Licensee shall complete 3-6 hours of CNE on Patient Advocacy within 90-days of the date this Order becomes effective. This Order becomes effective 18-days after the date listed on the Certificate of Service.

NOTICE OF ADMINISTRATIVE RELIEF

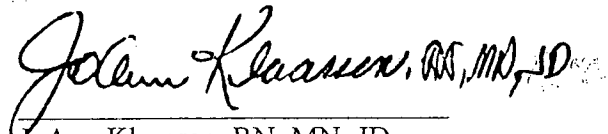
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. **THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER.** 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.

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.

NOTICE OF JUDICIAL RELIEF

If a request for hearing is not filed as stated above, then pursuant to K.S.A. 77-613 a party may file, within 30 days from the date of the Certificate of Service below, a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 601 et seq. The designee who may receive service of a petition for judicial review is:

Carol Moreland, Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, Room 1051
Topeka KS 66612



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

CERTIFICATE OF SERVICE

I certify that on the 30th day of August, 2019, 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:

Sarah K. Swenson
11217 Tilman Rd.
Dodge City, KS 67801

A handwritten signature in black ink, appearing to read 'W. Skepnek', written over a horizontal line.

William J. Skepnek, S. Ct. No. 25470
Assistant Attorney General