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KSBN

KANSAS STATE BOARD OF NURSING
MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

September 26th, 2006

Richard C. Dove
323 Muse St.
Newton, KS 67114

Case No. 02-691-5
License No. 13-071203-012

SUMMARY ORDER

Dear Mr. Dove:

The Disciplinary Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a registered nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) On or about 3/18/2004 a Default Order revoking applicant's license was entered in case number 02-691-5. The following findings were made pursuant to that Default Order.
 - "5. Respondent applied for reinstatement on 7/12/02. The respondent did not report that a disciplinary action had been taken in Colorado on his nurse license. The Colorado Board of Nursing suspended his nursing license on 6/4/02 due to diversion and use of Demerol at the hospital where he was employed on or about 2/10/02. The Colorado license was relinquished 11/15/02.
 6. Respondent failed to disclose employment as a nurse in Colorado on the reinstatement application of 7/12/02.
 7. On or about 10/13/02 respondent was escorted by the police to the Emergency Dept. of Wesley Medical Center, Wichita, Kansas. He was found with syringes of Demerol. He admitted to Demerol use by injecting wasted narcotics. He was terminated for diversion of Demerol from the hospital.
 8. On 9/25/03 respondent mailed his license card to the KSBN, noting 'I am voluntarily surrendering my nursing license for Kansas....'
 9. Respondent has violated the Kansas Nurse Practice Act as follows:
COUNT 1: K.S.A. 65-1120 (a)(1) To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;
COUNT 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

LANDON STATE OFFICE BUILDING, 900 SW JACKSON ST., STE 1051, TOPEKA, KS 66612-1230

Voice 785-296-4929 Fax 785-296-3929 www.ksbn.org

COUNT 3: K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
COUNT 4: 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"

(b) On or about 9/30/2005 applicant submitted an application for reinstatement of his license to practice nursing in the state of Kansas.

CONCLUSIONS OF LAW

2. 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 a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

- (a) K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.
- (b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (n), diverting drugs, supplies, or property of any patient or agency.
- (c) K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.
- (d) 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, or territory.

3. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application in whole or in part.

4. Your conduct described herein violates the Kansas Nurse Practice Act.


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

6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

7. 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.


Tamara Hutchison, R.N., B.S.N.
Member, Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 26th day of September, 2006, 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:

Richard C. Dove
323 Muse St.
Newton, KS 67114

Mark A. Knight, #12183
Assistant Attorney General

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

Filed
MAR 18 2004
Board of Nursing

IN THE MATTER OF
Richard Dove
LICENSE NO. 13-71203-012

CASE NO. 02-691-5


PROPOSED DEFAULT ORDER REVOKING LICENSE

NOW ON THIS 18th of March, 2004, petitioner appears by disciplinary counsel, Betty Wright, for a pre-hearing conference on the petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent was licensed as a R.N. through 1/31/04. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking the respondent's license.
4. The petition is hereby granted and incorporated into this order as if set forth herein.
Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas. Respondent is to mail the license card to the board immediately.
6. Respondent shall pay the costs of the action of \$70.
7. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

IT IS SO ORDERED


Terry E. Beck
Hearing Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board at:

State Board of Nursing –Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230

within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.

Betty Wright #14785
Disciplinary Counsel
900 S.W. Jackson, Suite #1051
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 18th day of March, 2004, I deposited a copy of this notice and the above-referenced pleading with the United States Postal Service, postage pre-paid, addressed to:

Richard Dove
323 Muse St.
Newton, KS. 67114

Betty Wright, Assistant Attorney General