

SEP 01 2005

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

In The Matter Of  
Gregory Pelan  
LICENSE NO. 13-072024-062

CASE NO. 03-530-8

**CONSENT AGREEMENT TO  
SURRENDER AND REVOKE LICENSE AND FINAL ORDER**

Now on this 25<sup>th</sup> day of Aug, 2005, the Kansas State Board of Nursing, represented by Assistant Attorney General, Betty Wright, and the licensee, Gregory Pelan, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

1. Licensee is licensed as a nurse through 6/30/2006. 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. 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**

4. A petition was filed April 12, 2004 take disciplinary action against the licensee's license.
5. The Petition alleged that between April and August 2003, while employed as a registered nurse in the Intensive Care Unit of the Colmery-O'Neil VA Medical Center, Topeka, Ks the respondent diverted Demerol, Morphine, and Dilaudid from the facility. Over 350 injections of Demerol, over 60 injections of morphine, 27 injections of Dilaudid (Hydromorphone) and 17 injections of Fentanyl were missing, all of the injectable narcotics were signed out from the Pyxis unit from discharged or deceased patients. When confronted by the VA police, the licensee resigned on 8/11/03.
6. The licensee signed a Diversion Agreement on July 29, 2004 in which he denied allegations in the Petition, however, he agreed to participate and complete the requirements of the [REDACTED]
7. The licensee has remained compliant with the KNAP program for one year. He has decided that he no longer wishes to work in the field of nursing due to the temptation of drugs and the stress of the work.
8. 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.

### **CONCLUSIONS OF LAW**

9. 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.
10. Respondent has violated:

K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to the current abuse of drugs or alcohol.  
K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the Board.

**POLICY STATEMENT**

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

**DISPOSITION**

12. Licensee is surrendering his license to practice nursing in Kansas.
13. The respondent has already returned his nursing license to the Board on 8/12/2005.
14. Upon signing this agreement respondent **shall not practice nursing in Kansas.**
15. The Board does 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.
16. If licensee does seek reinstatement of the license, the agreed facts are admitted, he has waived his right to a hearing on the facts in this matter, however to receive a reinstatement of his license the applicant will have the opportunity at that time to prove his fitness to practice nursing.
17. One of the requirements for a future reinstatement will be an evaluation by KNAP, and a commitment to abide by any requirements of KNAP.
18. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER

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Terry Beck  
Hearing Officer

Approved by:

\_\_\_\_\_  
Gregory Pelan  
510 S. Topeka  
Scranton, KS 66537

Prepared by:

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Betty Wright  
Assistant Attorney General  
900 SW Jackson, Suite 1051  
Topeka, Kansas 66612-1230  
785-296-7047

**CERTIFICATE OF SERVICE**

On the 2<sup>nd</sup> day of September, 2005, I mailed a copy of this document to:

Gregory Pelan  
510 S. Topeka  
Scranton, KS 66537

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Betty Wright