

(h) Licensee shall **not violate the laws of the United States, of State, or of any political subdivision of any State during the term of this agreement.** Traffic infractions shall not be considered violations of the law.

(i) **Licensee agrees to notify the Legal Division of any changes in address and phone number as well as all employment terminations or employer changes or additions. All such notifications shall be made in writing within fourteen (14) days of such a change.**

16. Licensee is responsible for the costs related to satisfying these conditions and requirements.

17. If Licensee does not meet these conditions and requirements, the Kansas State Board of Nursing may request additional sanctions against Licensee's license or application for a license. Licensee would be sent notice of such action and would be entitled to a hearing as to whether Licensee had complied with this Consent Agreement, but Licensee could not contest the violations listed in this agreement.

18. All parties understand that if an action based on failure to meet the conditions and requirements of this Consent Agreement is filed, K.S.A. 77-531 requires the Notice of Hearing to be served upon the Licensee and the Licensee's attorney of record, if any. All parties agree that only serving the Notice of Hearing upon the Licensee will be proper service and it is the Licensee's responsibility to contact his or her attorney, if any, in reference to the action.

19. Licensee acknowledges and agrees that upon a finding of Licensee not complying with the conditions or requirements of this Consent Agreement, the Stay of Suspension of Licensee's license to practice nursing in the State of Kansas, shall be lifted. Licensee will not be allowed to practice nursing in the state of Kansas during the period the Stay is lifted.

20. The Board will inactivate this case file once Licensee satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against Licensee's license for any additional or cumulative violation of the Kansas Nurse Practice Act committed by the Licensee before or after this agreement is entered into.

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JAN 17 2007

KSBN

**IN THE MATTER OF
ROBERT D. KUHN
License No. 13-085934-092**

**Case No. 04-386-7
OAH No. 07BN0002**

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 16th day of January, 2007, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Licensee, Robert D. Kuhn, hereby enter into this agreement and proffer evidence and the Presiding Officer adopts those recommendations and makes the following findings of fact and orders:

AGREED FINDINGS OF FACT

1. Licensee is licensed to practice nursing in Kansas through 9/30/2008. The Kansas State Board of Nursing (Board) has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 5854 SW 27th Terr., Topeka, KS 66614.
3. The Licensee understands that pursuant to K.S.A. 77-515, Licensee may be represented at Licensee's expense by, an attorney during these proceedings.
4. 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.
5. 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 Licensees 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 is established.
6. (a) Licensee entered a Diversion Agreement on or about August 18, 2005 in order to resolve the above captioned case. Licensee agreed in the Diversion Agreement to follow

CERTIFICATE OF SERVICE

On the 17th day of January, 2007, I mailed a copy of this CONSENT
AGREEMENT AND FINAL ORDER to: J

Robert D. Kuhn
5854 SW 27th Terr.
Topeka, KS 66614

Mark A. Knight, #12183
Assistant Attorney General
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230

21. This agreement is a discipline and must be reported on any future renewal applications.

This agreement is a contract entered into by the parties to resolve an investigative case. The original of this agreement shall be placed in the Agency Record and is a public record.

22. By signing this Consent Agreement and Final Order, Licensee acknowledges that Licensee has read and understands the entire document, and agrees to be bound by its terms. This Consent Agreement and Final Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties.

23. After successful completion of all of the conditions and requirements of this Consent Agreement by the Licensee, the Consent Agreement will be satisfied and the case will be inactivated.

24. The parties understand and agree that this Consent Agreement and Final Order modify the Order entered by the Presiding Officer on August 2, 2006.

25. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT
AND FINAL ORDER.

~~IT IS SO ORDERED.~~

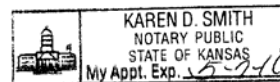
Robert D. Kuhn
Licensee
5854 SW 27th Terr.
Topeka, KS 66614

Mark A. Knight, #12183
Assistant Attorney General
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230

Robert D. Kuhn must sign before a Notary Public.

State of Kansas, County of Shawnee ss.
SUBSCRIBED AND SWORN TO before, me by Robert D. Kuhn
on this 12 day of January, 2007.

Signature of Notary Public _____ My Commission Expires 5-7-10
(Notary Public Seal)



Sandra L. Sharon, Presiding Officer

recommendations and requirements of the [REDACTED] The Board received a letter from [REDACTED] on 6/22/06. The letter provided that the Licensee was not compliant with [REDACTED]

(b) A petition was filed and on or about July 25, 2006 a hearing was held and a stipulation of facts was made. On or about August 2, 2006, pursuant to the stipulation the Presiding Officer entered an order finding that Licensee demonstrated unprofessional conduct by failing to meet the requirements of [REDACTED] in violation of K.S.A. 65-1120(a) and K.A.R. 30-3-110(s). The Presiding Officer ordered suspension of the Licensee's license to practice nursing. The Presiding Officer ordered that the suspension would remain in place until such time as the Licensee completes his recovery program and is ready to practice nursing. The Presiding Officer further ordered that Licensee pay \$70.00 for the cost of the action.

(c) Licensee paid the cost of the action in September of 2006. In October of 2006 correspondence was submitted to the KSBK from the Licensee's treatment provider stating the Licensee was progressing with his recovery program and that Licensee was safe to practice nursing.

7. The above incidents are violations of the nurse practice act. The Licensee agrees that the board is prepared to prove that Licensee has violated: K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol; Licensee has violated K.A.R.60-3-110(r) failing to comply with any disciplinary order of the Board; and Licensee has violated K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the Board.

8. Licensee has the right to a hearing with evidence and witnesses 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. Licensee is waiving those rights and voluntarily entering into this agreement instead of proceeding to such a hearing.

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 Licensees 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 is established.

10. Licensee has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110(s).

POLICY STATEMENT

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

DISPOSITION

12. 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 and K.S.A. 77-501 et seq. and to judicial review.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this Consent Agreement will continue through any renewal periods of Licensee's nursing license until Licensee completes each of the conditions and requirements of this agreement. Further, the parties agree that in the event of a lapse of Licensee's nursing license, reinstatement of Licensee's nursing license shall be contingent upon this Consent Agreement and Final Order remaining in effect until Licensee completes each of the conditions and requirements of this agreement.

14. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that the Licensee's license to practice nursing in Kansas is immediately suspended. The suspension will be stayed as long as the requirements and conditions of this agreement are met.

15. The Kansas State Board of Nursing will not take additional disciplinary action against Licensee's nursing license for the violations stated above as long as Licensee completes each of the following conditions and requirements:

(a) **Licensee shall receive a license card which shall be issued with an "S" placed in the status code portion of the license card to indicate that the license is suspended with a Stay.**

(b) **Within forty-five (45) days of entering this Consent Agreement and Final Order Licensee will enter the Kansas Nurses Assistance Program (KNAP). Licensee will continued to participate in his current recovery program during this forty-five (45) day period.**

(c) **Licensee will participate in and complete the reasonable recommendations and requirements of the KNAP;** sign releases of information necessary for KNAP to evaluate and monitor Licensee and for KNAP to report information to the board. Licensee will be deemed to have completed the KNAP program when KNAP issues written notification that Licensee has completed the program. Noncompliance with KNAP is a violation of this agreement.

(d) Licensee must **submit to random drug screens** as determined or selected by the Board or by KNAP. The costs of the drug screens will be paid by the Licensee. Licensee agrees that a Positive Drug Screen is a violation of this agreement.

(e) **Licensee shall immediately notify the Legal Division of any use of alcohol, if prohibited by KNAP, or controlled substances, or any violation of this Consent Agreement and Final Order.**

(f) The Licensee **shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order.**

(g) Licensee shall **not violate the Kansas Nurse Practice Act** during the duration of this agreement.