

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 13 2011

IN THE MATTER OF

BLAKE A. HENRY

License No. 13-108644-022

KSBN

Case No. 10-714-5

SUMMARY ORDER

Now this 18th day of October, 2011, 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 license of Blake A. Henry by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Respondent, Blake A. Henry, is licensed to practice nursing in Kansas through 02/29/2012. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 1009 N. Yale Ave., Wichita KS 67208.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew licenses 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.
5. On or about 5/10/2010, the Board received a report regarding Respondent, alleging that in April 2010, Respondent provided a fentanyl patch to a friend, K.G., without a doctor's order.
6. In a phone interview on 8/16/2011 with Eva Curtis, R.N. Investigator, K.G. stated, "I knew Blake for about 4 years from my cross country team in college. 1.5 -2 years prior to this incident, we started hanging out together. It was my 21st birthday and I had too many drinks, we went to bars. Blake talked me into trying the fentanyl patch. I didn't really know what it was or what it would do. I don't know why I took it. I guess because I was so drunk. I think he gave it to me and I put it on but I don't remember that for sure (I know he gave me fentanyl, unsure if he put it on me but I think I put it on). My older brother drove us back to our house, then my brother went to bed. That's the last thing I remember before I woke up in the hospital."

7. On or about 7/20/2011, Eva Curtis, R.N. Investigator, sent Respondent a letter regarding the above-referenced allegations and stated in the letter, "You may access a copy of the KSBN's Investigative Process brochure at our web site (www.ksbn.org) by clicking on "Legal Division. If you do not have internet access, please contact me for a (paper) copy of this brochure. After reviewing the information in the brochure, please call me at (785) 296-2851 at your earliest convenience so I can discuss this case with you."
8. The 7/20/2011 letter was returned to the Board, marked "return to sender moved left no address unable to forward."

CONCLUSIONS OF LAW

1. 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 Respondent violated the following provisions of the Nurse Practice Act:
 - a. K.S.A. 65-1120(a)(6): to be guilty of unprofessional conduct as defined by rules and regulations of the board, by KAR 60-3-110(a), performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.
2. K.S.A. 77-511(a)(2)(A) and K.S.A. 77-537 of the Kansas Administrative Procedure Act authorize the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and 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.

POLICY STATEMENT

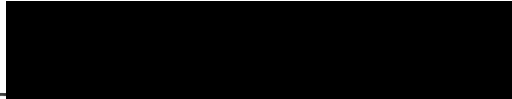
1. The role of the Kansas State Board of Nursing is to protect the citizens of Kansas.

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

1. Respondent's RN license to practice nursing is revoked.

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.


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.


Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 18th day of October, 2011, 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:

Blake Henry
1009 N. Yale Ave.
Wichita KS 67208


Danielle Sanger #24587
Assistant Attorney General