

Settled 10/15

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

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IN THE MATTER OF

Robert D. Grey

OAH no. 14BN0163

License No. 13-108972-061

Case No. 12-1334-9

CONSENT AGREEMENT AND FINAL ORDER

The Kansas State Board of Nursing, represented by Assistant Attorney General, Bryce D. Benedict, and the Respondent, Robert Grey, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

AGREED FINDINGS OF FACT

1. Respondent is licensed to practice nursing in the State of Kansas. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent understands that he or she may be represented at respondent's expense by an attorney during these proceedings.
3. On or about October 10, 2014 the respondent entered into an Initial Agreed Order in which he stipulated to the facts alleged in the petition that had been filed against him. That petition alleged:
 - (a) According to a report, it is alleged that while licensee was employed by Stormont Vail Regional Health Center Topeka, Kansas, licensee was observed taking needles, flushes, alcohol swabs and other items out of medication room on a unit not his regular unit.
 - (b) This incident occurred prior to clocking in.
 - (c) The Sharp's container had been broken into.

- (d) Licensee accessed medication rooms on units other than his regular unit multiple times, including at times that he was not on duty.
 - (e) This incident occurred on or about the 2nd day of June, 2012.
 - (f) Licensee transcribed a medication order for Dilantin three times a day rather than once a day.
 - (g) The patient received eight day of over dosage of this medication before the error was caught.
 - (h) This incident occurred on or about the 14th day of May, 2012.
 - (i) Licensee was terminated from Stormont Vail Regional Medical Center on the 25th day of June, 2012.
 - (j) Licensee admitted that he started out using supplies he left in his pocket for his hospice patients at his other job.
 - (k) Licensee stated that he began taking supplies from Stormont Vail. He took supplies when he would come in to check for extra hours and he realized that it was wrong.
4. The Initial Agreed Order required, among other things, that the respondent be referred to and remain compliant with KNAP, the impaired provider program. Respondent is not in compliance with the KNAP program as a September or October 2016 employer mandated drug screen for the respondent was positive for Fentanyl.

CONCLUSIONS OF LAW

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 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 is established.
6. The Initial Agreed Order provided that the respondent violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion
K.A.R. 60-3-110(n) in past conduct;

Count 2: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in
practicing nursing.

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

Count 4: K.S.A. 65-1120(3) to be guilty of unprofessional conduct as defined as
defined by rules and regulations of the board by violating the existing policies and procedures of
the medical facility KAR 60-3-110(t) failing to furnish the board, its investigators, or its
representative with any information legally requested by the board.

7. In addition to the above violations, the respondent has violated the Kansas Nurse
Practice Act by unprofessional conduct in failing to complete the requirements of the impaired
provider program of the Board. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110.

DISPOSITION

8. Respondent wishes to surrender his nursing license.

9. IT IS THEREFORE ORDERED THAT RESPONDENT'S LICENSE TO PRACTICE
NURSING IN KANSAS IS REVOKED.

10. Respondent 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. Respondent is waiving
those rights and voluntarily entering into this agreement instead of proceeding to such a
hearing.

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.


11. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. The original of this agreement shall be placed in the Agency Record. This Agreement is a public record and will be reported to national disciplinary data banks.

12. By signing this Consent Agreement and Final Order, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. The effective date of this Consent Agreement and Final Order is the date shown on the certificate of service.

13. 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.

16. Disciplinary counsel shall serve a copy of this order upon the respondent.

IT IS SO ORDERED.




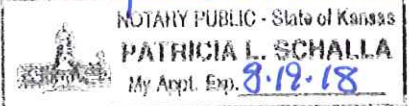
Sandra L. Sharon
Administrative Law Judge

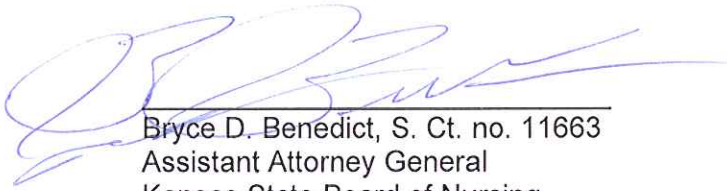
APPROVED BY:



Robert D. Grey

Respondent must sign before a Notary Public.

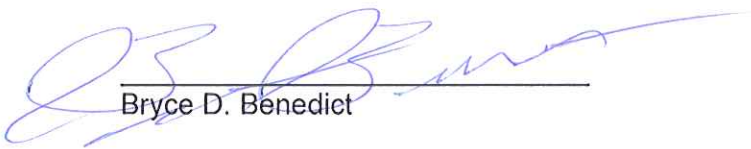


Bryce D. Benedict, S. Ct. no. 11663
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

CERTIFICATE OF SERVICE

On the 23rd day of November, 2016, I mailed a copy of this CONSENT AGREEMENT AND FINAL ORDER to:

Robert Grey
2611 Fauna Road
Lebo KS 66856



Bryce D. Benedict