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

**IN THE MATTER OF DOUGLAS MICHAEL RILEY**  
**License No. 13-116416-102**  
**Case No. 16-1081-0**

**OAH no. 17BN0015**

**INITIAL AGREED ORDER TO SURRENDER LICENSE**

NOW ON THIS 18<sup>th</sup> day of November, 2016, the Kansas State Board of Nursing, represented by Special Assistant Attorney General, Michelle David, and the Respondent, Douglas M. Riley, represented by Attorney Diane Bellquist, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings and orders:

1. Respondent is licensed to practice nursing in Kansas. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. The Respondent understands that pursuant to K.S.A. 77-515, Respondent may be represented at Respondent's expense by, an attorney during these proceedings.
4. Respondent acknowledges that this agreement is an open record pursuant to the Kansas Open Records Act, K.S.A 45-215 et seq., and may be published or disseminated notwithstanding any state or federal law otherwise restricting public access to, or dissemination of, any personal or health care information, or any information or records of substance abuse evaluation and/or treatment contained herein.
5. After an investigation, the Board's investigative committee found reasonable grounds to believe that Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
6. 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.

7. 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.

8. The Board is prepared to establish the facts and violations presented in the attached Petition.

9. Respondent hereby agrees to surrender his license or privilege to practice as a nurse for a minimum of one (1) year.

10. Respondent understands that surrender of his license will be considered by the Board to be a disciplinary action and will be reported to the appropriate entities, as required by state and/or federal guidelines.

#### **POLICY STATEMENT**

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

#### **DISPOSITION**

12. Based upon this Initial Agreed Order to Surrender License, the parties agree that Respondent is voluntarily surrendering his license to practice nursing in the state of Kansas.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Respondent's license to practice nursing in Kansas is immediately revoked. Respondent shall not practice nursing in the state of Kansas.

14. The Board will report this surrender to data banks, other entities, and in its newsletter. This is a disciplinary action on Respondent's license. The original of this document shall be kept in the Board's agency file. This Agreement is a public record and will be reported to

national disciplinary data banks. The effective date of this Initial Agreed Order to Surrender License is the date shown on the certificate of service.

15. If Respondent applies for reinstatement of Respondent's license, Respondent will have the opportunity at that time to prove Respondent's fitness to practice nursing in Kansas.

16. Respondent agrees that when and if Respondent reapplies for a license, upon submitting an application for reinstatement, Respondent will submit himself to the Kansas Nurses Assistance Program for a mental health evaluation. Respondent must be deemed by KNAP to be safe to practice for the Board to consider reinstatement.


17. By entering into this Initial Agreed Order to Surrender License, both parties waived 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.

18. By signing this Initial Agreed Order to Surrender License, Respondent acknowledges that Respondent has read and understands the entire document, and agrees to be bound by its terms. This Initial Agreed Order to Surrender License constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties. The effective date of this Initial Agreed Order is the date shown on the certificate of service.

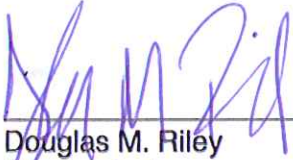
19. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/ and to hear discipline cases on behalf of the Board and to render either initial orders or final orders, if by agreement of both parties, in those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

IN WITNESS WHEREOF, the parties hereto execute this INITIAL AGREED ORDER TO SURRENDER.

**IT IS SO ORDERED.**

  
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Sandra L. Sharon  
Administrative Law Judge

APPROVED BY:



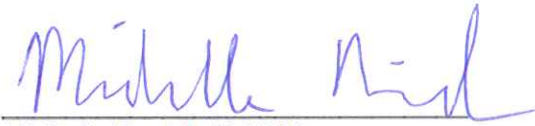
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Douglas M. Riley  
Respondent



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Diane Bellquist, #20969  
Joseph Hollander & Craft, LLC  
Attorney for Respondent



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Michelle David, #26982  
Special Assistant Attorney General  
Kansas State Board of Nursing

## NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed with 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for review is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 21 day of November, 2016, I mailed via USPS a copy of this

INITIAL AGREED ORDER TO SURRENDER LICENSE to:

Diane L. Bellquist  
Joseph Hollander & Craft, LLC  
1508 SW Topeka Boulevard  
Topeka, KS 66612


Douglas M. Riley  
9523 NE 100 Street  
Kansas City, MO 64157

And a copy via State Building mail to:

Michelle David  
Special Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

And original via State Building mail to:

Mary Blubaugh  
Executive Administrator  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

  
\_\_\_\_\_  
Staff Member  
Office of Administrative Hearings

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

FILED  
SEP 30 2016  
KSBN

**IN THE MATTER OF DOUGLAS MICHAEL RILEY**

License No. 13-116416-102  
Case No. 16-1081-0

OAH no. 17BN0015

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Special Assistant Attorney General assigned to the Board, Michelle David, and for its cause of action states that:

1. Respondent, Douglas Michael Riley, is licensed to practice nursing in Kansas. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 9523 NE 100<sup>th</sup> St., Kansas City, MO 64157.
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 et seq., and referred this matter for further proceedings.
4. The Kansas State Board of Nursing issued an Emergency Proceedings Final Order pursuant to K.S.A. 77-536 suspending the Respondent's license to practice nursing on September 27, 2016. Pursuant to K.S.A. 77-536(e), after issuing an order pursuant to K.S.A. 77-536, the state agency shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not justify the use of emergency 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 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.

## STATEMENT OF FACTS

5. The facts below are common to all counts:
- (a) On or about June 25, 2016, while on duty as an RN at Cotton Springs Hospital, Respondent stated, he needed to get off the unit.
  - (b) The house supervisor arrived at the unit and observed Respondent striking his left thigh with his left hand and acting anxious. Respondent appeared distracted and told supervisor, he only felt comfortable ataying at work if someone stayed with him, but he did not elaborate.
  - (c) Prior to the June 25, 2016 incident, the Director of Nursing observed the Respondent sometimes appeared heavily medicated, slow to respond, and shaky.
  - (d) Respondent's Psychiatrist sent a letter to Cotton Springs Hospital.
  - (e) Per the letter, Respondent was admitted to St. Luke North Behavioral Health Unit on June 27, 2016.
  - (f) The letter stated, during the mental health assessment at St. Luke's the Respondent made homicidal statements regarding the patients he cared for.
  - (g) The letter additionally stated, Respondent reported he was working last Saturday in Olathe and was having homicidal thoughts. Respondent stated, "I was thinking about killing all the patients in the hospital by stabbing them or shoot them with insulin."
  - (h) Respondent was immediarely terminated from Cotton Springs Hospital.
  - (i) Respondent was discharged from St. Luke's on July 1, 2016.

## VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:


Count 1: K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (e)(3) as a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.



WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By:   
Michelle David, #26982  
Special Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612


CERTIFICATE OF SERVICE

The undersigned certifies that he caused a copy of the above to be placed in the United States

Mail, postage prepaid, on the 30<sup>th</sup> day of September, 2016, addressed to:

Diane L. Bellquist  
Joseph Hollander & Craft, LLC  
1508 SW Topeka Boulevard  
Topeka, KS 66612

Douglas Michael Riley  
9523 NE 100 Street  
Kansas City, MO 64157

  
Michelle David  
Special Assistant Attorney General