

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

FILED

JAN 25 2016

IN THE MATTER OF JACOB AARON NELSON

KSBN

License No. 13-119238-022

Case No.14-188-1

SUMMARY ORDER

NOW ON THIS 25th day of January, 2016, 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 proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. This Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is #13309-029 Houston Unit FCI Fort Worth P.O. Box 15330 Fort Worth, Texas 76119.
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. Review of the information gathered by the Board revealed the following upon which this action is based.
 - (a) According to a report, it is alleged on licensee's online renewal licensee answered "yes" to having been convicted of a misdemeanor listed in K.A.R. 60-3-113?
 - (b) Licensee answered "yes" to the question "has any license, certification or registration (nursing or other) ever been denied, revoked, suspended, limited or disciplinary

action taken by a licensing authority of any state, agency of the US government, territory of the US or country?"

- (c) Licensee answered "yes" to the questions "are criminal proceedings pending in any federal or state court?"
- (d) Licensee was charged on the 19th day of November 2013 with felony conspiracy to transport stolen goods in 13-CR-01021-LRR-1.
- (e) Licensee pled guilty to felony and was sentenced on the 5th day of February 2014 to a 30 month prison sentence.
- (f) That while Licensee was employed by Pro Active Home Care, Wichita, Kansas, licensee financially exploited a patient.
- (g) Licensee admitted to taking over \$163,974.96 of stolen goods (One Hundred Sixty Three Thousand Nine Hundred Seventy Four Dollars and Ninety Six Cents) from Wal Mart Stores.
- (h) This incident occurred on or about the 1st day of January, 2013 till August, 2013 when licensee was arrested.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by felony conviction of theft of property showing a pattern of dishonesty and fraud.

CONCLUSIONS OF LAW

a K.S.A. 65-1120(a)(6), unprofessional conduct, exploitation, which shall be defined as misappropriating a patient's property or taking unfair advantage of a patient's physical or financial resources for the licensee's or another individual's personal or financial advantage by use of undue influence, coercion, harassment, duress, deception, false pretense or false representation; KAR 60-3-110 (o).

6. 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 authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, exploitation, which shall be defined as misappropriating a patients property or taking unfair advantage of a patient's physical or financial resources for the licensee's or another individual's personal or financial advantage by use of undue influence, coercion, harassment, duress, deception, false pretense or false representation; KAR 60-3-110 (o).

K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings do not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.

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

POLICY STATEMENT

1. Truthfulness and fraudulent transactions show a pattern of dishonesty that is a violation the fundamental public trust that is placed on the nursing professional.

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

- 1. Licensee's license to practice nursing in the state of Kansas is revoked.**
- 2. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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.



Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 05th day of January, 2016, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Jacob Nelson
3820 N Toben
Wichita, KS 67226



Michael R. Fitzgibbons #12287
Assistant Attorney General