

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

IN THE MATTER OF
Jacob Aaron Nelson

License No. 13-119238-022/Reinstatement
Case No. 14-188-1

FILED
JUN 15 2016
KSBPN

EFFECTIVE AS A
FINAL ORDER
DATE: July 12, 2016

SUMMARY ORDER

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Bryce D. Benedict, and for its cause of action states that:

1. Applicant Jacob Nelson's license was revoked on or about January 25, 2016. He filed an application for reinstatement on March 17, 2016. The Board has jurisdiction over the applicant and the subject matter of this action.
2. Applicant's address of record per his application is 922 S. Emporia Avenue, Wichita KS 67211.
3. The Kansas State Board of Nursing may deny a license as a practical nurse if the applicant is deficient in qualification, or in the quality of education, or if there are disqualifying factors under K.S.A. 65-1120 and amendments thereto. K.S.A. 65-1116. Among the disqualifying factors enumerated in K.S.A. 65-1120 is unprofessional conduct as defined by the rules and regulations of the Kansas State Board of Nursing. K.S.A. 65-1120(a)(6). Unprofessional conduct is defined by K.A.R. 60-3-110.

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.

4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent is neither competent nor qualified to practice, and referred this matter for further proceedings.

5. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, 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, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

STATEMENT OF FACTS

4.

(a) Applicant entered into a conspiracy with another person to steal electronics from various Wal-Mart stores in multiple states and sell them to a buyer in New York. These thefts were conducted in early 2013. Applicant did this at a time when he was thirty-one years old and involved in a program to obtain a RN license.

(b) In August 2013 the applicant was apprehended in Iowa with electronics stolen from a WalMart store in Iowa.

(c) On the 19th day of November 2013 the applicant was charged with felony conspiracy to transport stolen goods.

(d) Applicant pled guilty to a felony and was sentenced on the 5th day of February 2014 to a 30 month Federal prison sentence. Applicant 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.

5. The investigative committee met on June 13, 2016 to consider the applicant's reinstatement application. The committee unanimously voted to deny the reinstatement.

6. The evidence before the Board shows that the applicant is neither competent nor qualified to practice nursing, that there are disqualifying factors under K.S.A. 65-1120 and amendments thereto, and that the safety of the citizens of Kansas is protected by denying the application for reinstatement.

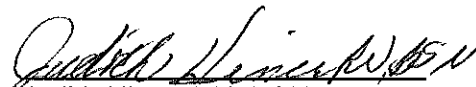
The applicant's criminal acts cannot be explained away by youthful indiscretion, lack of education, or a one-time error in judgment. His acts were intentional, planned, coordinated, and on a vast scale. His acts were motivated by greed and malice. Although the applicant asserts he has learned his lesson and is completely rehabilitated, the Board is not convinced that such a dramatic change in character has occurred in such a short time. This is not the first time the Board has witnessed a nurse claiming to accept personal responsibility only after that nurse has been caught in the act.

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

- 1. Applicant's application for reinstatement is denied.**
- 2. Applicant shall not practice nursing in the state of Kansas.**

NOTICE

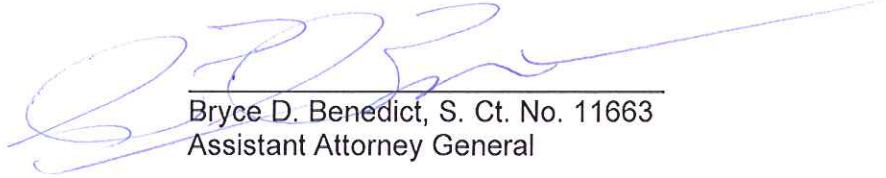
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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

I certify that on the 15th day of June, 2016, 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:

Jacob Nelson
922 S. Emporia Avenue
Wichita KS 67211



Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General

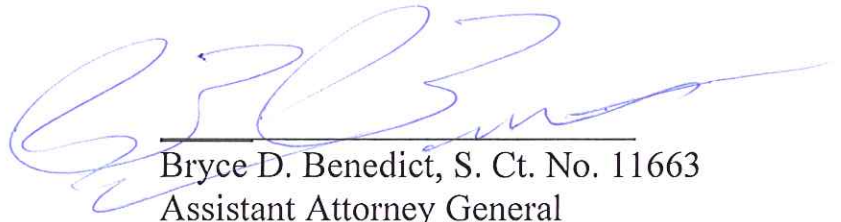
FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition must be filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka KS 66612.

CERTIFICATE OF SERVICE

I certify that on the 17th day of July, 2016, a copy of the Final Order and Final Order Notice of Rights was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Jacob Nelson
922 S. Emporia Ave.
Wichita KS 67211


Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General