

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

FILED
JUL 18 2011
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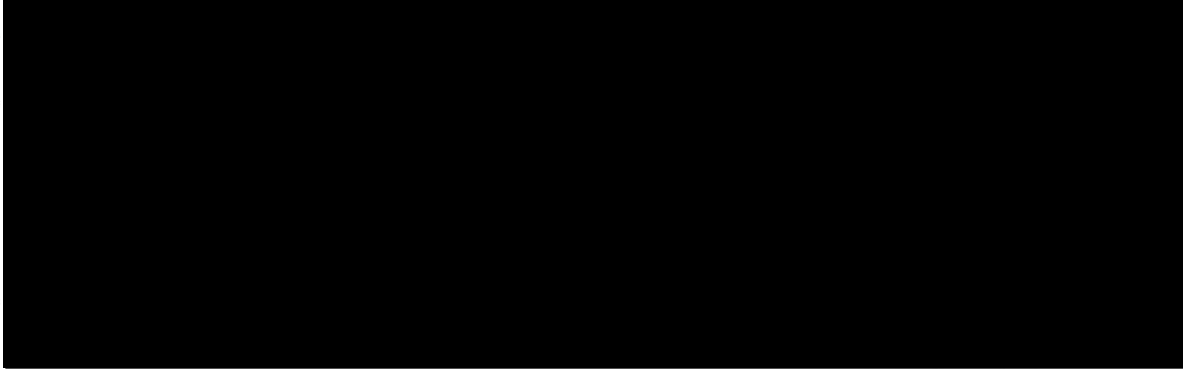
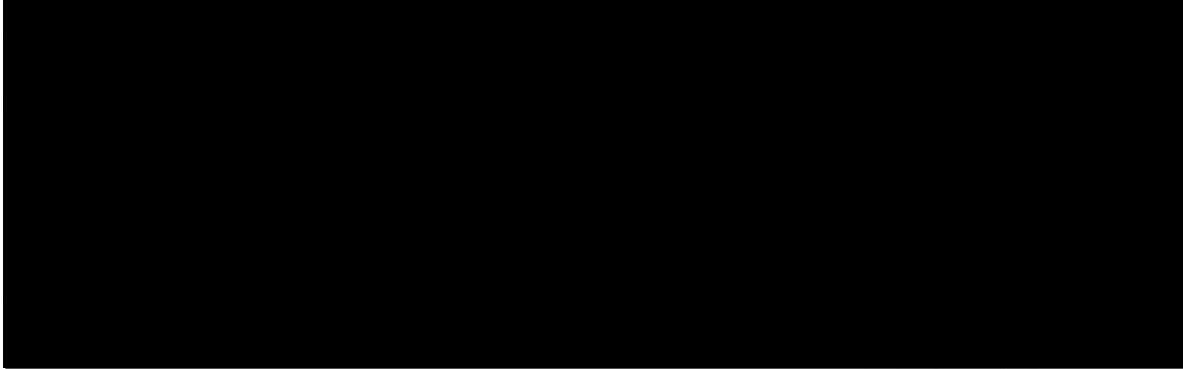
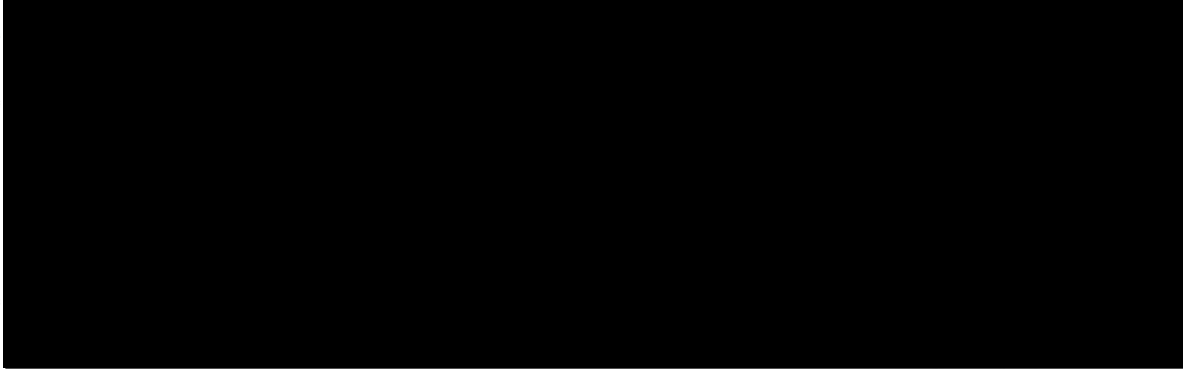
IN THE MATTER OF
ROBERT M. SYMES
License No. 13-39805-072

Case No. 09-283-5

SUMMARY ORDER

Now this 13th day of July, 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 RN license of Robert Symes by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Respondent is licensed to practice nursing in the State of Kansas through 07/31/2012. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 1911 Shadow Cir., Wichita KS 67219.
3. On 8/06/2009, Respondent signed a Consent Agreement and Final Order with the Kansas Board of Nursing. The Board agreed it would not take additional disciplinary action against Respondent's nursing license as long as Respondent completed the conditions and requirements listed in his Consent Agreement.
4. The provision found in paragraph 17(c) of Respondent's Consent Agreement stipulates that Respondent agrees that a Positive Drug Screen is a violation of this agreement.
5. 
6. 
7. 
8. The provision found in paragraph 17(k) of Respondent's Consent Agreement requires Respondent to submit to the Board written documentation from Respondent's Primary Care Physician as to all medications prescribed for Respondent and the reason for the medications. This information must be

provided by the Respondent within (30) days of Respondent signing the Consent Agreement and every (60) days thereafter for the term of this agreement.

9. On 9/09/2009, the Board received a letter from Respondent that contained the name and address of Respondent's primary care practitioner, Dr. Deborah G. Haynes.
10. On 10/09/2009, the Board receive a letter from Dr. Haynes that contained a copy of Respondent's current medications and dosing.
11. As of 7/12/2011, the Board has not receive additional information every 60 days from Respondent's primary care practitioner in regards to all of the medications prescribed for Respondent and the reason for the medications.
12. The provision found in paragraph 22 of Respondent's Consent Agreement states that Respondent acknowledges and agrees that upon a first finding of Respondent not complying with any of the conditions or requirements of this Consent Agreement, the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas shall be lifted for a period of six months from the date of said finding. Respondent will not be allowed to practice nursing in the state of Kansas during this period of suspension. Respondent acknowledges and agrees that all conditions and requirements of this Consent Agreement remain in effect during the period of suspension.

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 Respondent, 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(r) failing to comply with any disciplinary order of the board;
 - b. 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(t), failing to furnish the board, its investigators, or its representatives with any information legally requested by the board.
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 citizens of Kansas.

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

1. Respondent's stay of suspension shall be lifted for a period of six (6) months from the effective date of this Summary Order. Respondent is not allowed to practice nursing in the state of Kansas during the period of suspension.
2. Respondent's suspension will not again be stayed until Respondent has, following the six months of suspension, provided written verification to the Board that Respondent is in compliance with all conditions and requirements of the 8/6/2009 Consent Agreement.

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 July, 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:

Richard Symes
1911 Shadow Cir
Wichita KS 67219



Danielle Sanger #24587
Assistant Attorney General