

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

JUN 30 2014

**IN THE MATTER OF ALAN DALE BAGBY**

KSBN

**License No. 13-62450-062**

**Case No. 14-285-7**

**SUMMARY ORDER**

NOW ON THIS 30<sup>th</sup> day of June, 2014, 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 2401 Farnham Street, Omaha NE 68131.
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 that while you were employed by Advanced Correctional HealthCare, working as a Regional Nurse manager in Kansas, you solicited prostitution using your company email address.
  - (b) This incident allegedly occurred on or about the 28<sup>th</sup> of January, 2014 and the 29<sup>th</sup> of January, 2014.
  - (c) It is alleged that using company email for non-work purposes is against company policy and procedure.

(d) Investigator has contacted licensee and he has agreed to surrender his license.

(e) An Agreed Surrender was sent to him and it has not been returned.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by accessing patients records and failing to respond to investigators contact.

#### CONCLUSIONS OF LAW

a. Pursuant to KAR 60-3-110 (f) Unprofessional conduct i.e. "commission of any act of sexual abuse, sexual misconduct or sexual exploitation related to the licensees' practice as shown in the allegations.

b. K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations by violating the policies and procedures of health care company.

c. K.S.A. 65 1120(a)(7) willfully and repeatedly violate provisions of Kansas Nurse Practices Act.

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: Pursuant to KAR 60-3-110 (f) Unprofessional conduct i.e. "commission of any act of sexual abuse, sexual misconduct or sexual exploitation related to the licensees' practice as shown in the allegations.

Count 2: K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations by violating the policies and procedures of health care company.

Count 3: K.S.A. 65 1120(a)(7) willfully and repeatedly violate provisions of Kansas Nurse Practices Act

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

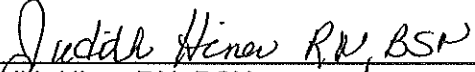
1. Soliciting prostitution while working as a Regional Nurse manage show bad judgment on the part of the nurse and violates the public trust.
2. Failure to respond to the investigators letter shows complete disregard of the nurse's accountability.


#### **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.

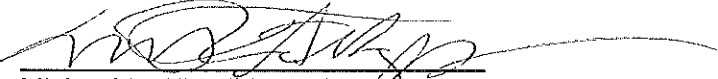
  
Judith Hiner RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

  
Mary Blubaugh MSN RN  
Executive Director  
Kansas State Board of Nursing

**CERTIFICATE OF SERVICE**

On the 30<sup>th</sup> day of June, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Alan Dale Bagby  
2401 Farnham Street  
Omaha NE 68131

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General