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10/28

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

FILED

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IN THE MATTER OF
HAROLD BOEN
License No. 13-67582-11

Case No. 12-1249-4 AND 13-1917-5

31 OCT '14 AM 3:41

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 28th day of October, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, Assistant Attorney General, for a Hearing on the Motion to Show Cause. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing as an RN in Kansas through 11/30/2015 and was licensed to practice nursing at the time of the misconduct alleged in the Motion to Show Cause. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the Motion to Show Cause and notice of this hearing to respondent's last known address and service is proper. Respondent failed to answer the Motion to Show Cause. Respondent does not appear at prehearing today.
3. Petitioner moves for issuance of a proposed default order revoking respondent's RN license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The Motion to Show Cause is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the Motion to Show Cause and as previously stipulated to in the Initial Agreed Order dated August 25, 2014.
5. Per Petitioner's request, Respondent's license to practice nursing is revoked. Respondent shall not practice nursing in Kansas.

6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas nursing certificate and any license cards in his or her possession to the Kansas State Board of Nursing.
8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.
9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
10. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.



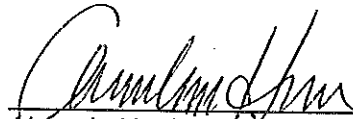
Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-520(b) within seven (7) days after service of a proposed default order, the party against whom the default order was issued may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon.

Pursuant to K.S.A. 77-520(c) the proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time. The motion to vacate shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

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



Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 6th day of November, 2014, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Harold Boen
1066 NE 150th Ave.
Cheney, Kansas 67025



Alma A. Heckler, #11555
Assistant Attorney General

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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
HAROLD BOEN
License No. 13-67582-11

Case No. 12-1249-4 AND 13-1917-5

MOTION TO SHOW CAUSE (OR MOTION TO LIFT STAY)

COMES NOW the Petitioner, the Kansas State Board of Nursing, by and through the Assistant Attorney General assigned to the Board, Alma A. Heckler, and moves the Board for a review of Respondents discipline file in Case No. 12-1249-4 AND 13-1917-5. Respondent's address of record is 1066 NE 150th Ave., Cheney, Kansas 67025. Respondent entered a Final Order and Consent Agreement or Initial Agreed Order with the Board on or about August 21, 2014 and has failed to meet the terms and requirements of the agreement as follows:

- To enroll in the Kansas Nurse Assistance Program (KNAP) in 30 days.
- Respondent has been non-compliant with KNAP.
- KNAP case has been closed by KNAP unsuccessfully for the second time.
- Respondent committed other violations of the Kansas Nurse Practice Act.
- To inform employers of Final Order and Consent Agreement or Initial Agreed Order.
- To inform employers of KNAP participation.
- To provide performance quarterly reports to the Board, completed by the employer.
- To timely report change of employment and address information.
- Timely complete CNE required by the Order and to submit documentation of completion.
- To timely report any new misdemeanor or felony convictions to the Board.
- To practice within the limitations as set out in the Final Order and Consent

Agreement or Initial Agreed Order dated _____.

___ Other _____.

By failing to comply with the terms of the Final Order and Consent Agreement, dated _____ the Board requests a finding that the Respondent has committed the following violations of the Kansas Nurse Practice Act:

K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board [K.A.R. 30-3-110 (s)].

K.S.A. 65-1120(a)(6), failing to comply with any disciplinary order of the board [K.A.R. 30-3-110 (r)].

Respondent should show cause as to why the stay in this matter should not be lifted for six months (first finding of violation of the Final Order and Consent Agreement or Initial Agreed Order).

Respondent should show cause as to why the stay in this matter should not be lifted for one year (second finding of a violation of the Final Order and Consent Agreement or Initial Agreed Order).

Respondent should show cause as to why the Respondent's license should not be revoked or other action should not be taken. Respondent failed to complete an evaluation and sign release forms for KNAP. Respondent stated to staff at KNAP that he intends to "let his license go".

Petitioner requests that costs of this action be assessed to the respondent in at least the amount of \$70.00.

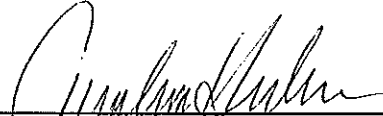
NOTICE REGARDING FAILURE TO ATTEND OR PARTICIPATE

If Respondent fails to appear at said hearing and defend, the Board may request to proceed to have the presiding officer hear the evidence against the Respondent and enter such ~~order as authorized by law and justified by the evidence.~~ If Respondent fails to attend or participate in the hearing, Respondent may be held in default under K.S.A. 77-520 and a

proposed default order may be issued by the administrative law judge/presiding officer.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General



Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

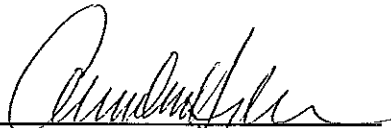
CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion was served by depositing same in the United States Mail, first class postage prepaid, on this 1st day of October 2014 to:

Harold Boen
1066 NE 150th Ave.
Cheney, Kansas 67025

On the 1st day of October 2014, a copy of the foregoing Motion was served by depositing same in building mail to:

Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, Kansas 66612-1327



Alma A. Heckler, #11555
Assistant Attorney General