

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON, ROOM 551-S
TOPEKA, KANSAS 66612-1230
913/296-8401

IN THE MATTER OF:

RYAN ALTENHOFEN
LICENSE NO. 13-073001-041

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) Case No: 97-0271-0
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)

INITIAL ORDER

Now on this 29th day of October, 1997, the above-captioned matter comes on for Hearing before Terry E. Beck, the Board's designated Hearing Officer, on the Petition filed with the Board. The Petitioner appears by and through Assistant Attorney General Mark S. Braun, Disciplinary Counsel for the Board. The Respondent, Ryan Altenhofen, appears in person.

The Hearing Officer informs the Respondent that he has the right to legal counsel if he wishes to obtain counsel. Respondent states he is waiving his right to counsel.

The Hearing Officer inquires whether the Respondent received the Notice of Hearing and Petition, and whether he understands the allegations contained in the Petition. Petitioner states he received the Notice and Petition, and he does understand the allegations.

The Hearing Officer inquires of the Respondent whether he admits or denies the violations alleged in the Petition. Respondent states he admits to the violations of the Kansas Nurse Practice Act. The Hearing Officer inquires whether the Respondent wishes to make any statements regarding the violations. Respondent states that he was caught diverting drugs (demerol) from a hospital in Arkansas, where he was practicing. Since that time, Respondent states he returned to Kansas, enrolled in the Kansas Nurse Assistance Program in March, 1997, and is compliant with that program. Respondent states he is also in compliance with his treatment program through the V.A. Respondent states the offense in Arkansas occurred during a three month period.

The Hearing Officer inquires whether the Respondent understands that if he accepts the admission, there will be a finding that he violated the nurse practice act, and that discipline will be taken against his license. Respondent states he understands. The Hearing Officer accepts the Respondent's admissions and finds that the Respondent has violated the Kansas Nurse Practice Act as alleged.

The matter proceeds to disposition, wherein the parties make statements and offer evidence.

The Hearing Officer inquires of the Petitioner whether he has a recommendation regarding disposition in this matter. Petitioner states that although there has been a stipulation regarding the allegations, Petitioner wishes to offer two exhibits related to the allegations. Petitioner offers Petitioner's Exhibits 1-3.

PETITIONER'S EXHIBIT No.1, (18 pages: one page of certification; 11 pages in one stapled packet and 7 pages in another stapled packet), is a certified copy of the Order And Notice of Hearing, and Findings of Facts Conclusions of Law and Order in the Respondent's disciplinary action by the Arkansas State Board of Nursing. PETITIONER'S EXHIBIT No.2, is an October 24, 1997 letter from Stephanie Stewart, JD, RN, of the Kansas Nurse Assistance Program, to the Board's Disciplinary Counsel about the Respondent's enrollment, participation, status, and current compliance with KNAP. PETITIONER'S EXHIBIT No.3 is the original (two-sided) renewal application submitted by the Respondent and received in March, 1997. The Petitioner's Exhibits are admitted without objection. Petitioner defers further recommendations until he has seen the Respondent's materials.

The Hearing Officer inquires of Respondent whether he has any evidence or statements he wishes to make regarding disposition in this matter. Respondent states he has evidence and a statement to make. Respondent offers Respondent's Exhibits B-E and G-J. RESPONDENT'S EXHIBIT B is an April 8, 1997 letter to "To Whom It May Concern" from the Paul Keranen, a readjustment counselling technician and Leon Haverkamp, MSW, a team leader at the "Vet Center" in Wichita. RESPONDENT'S EXHIBIT C is an April 8, 1997 letter to the Arkansas State Board of Nursing from Kathleen Reeves, RN, DON, Andover Health Care Center. RESPONDENT'S EXHIBIT D, is an April 7, 1997 letter to the Arkansas State Board of Nursing from Steve Bowersox, regarding Respondent's participation in Alcoholics

Anonymous. RESPONDENT'S EXHIBIT E is a March 20, 1997 letter to the Arkansas State Board of Nursing from Judy Thompson, RN. RESPONDENT'S EXHIBIT G is an undated letter to the Arkansas State Board of Nursing from W.L. Massey. RESPONDENT'S EXHIBIT H is a March 18, 1997 letter to "To Whom It May Concern" from Stanford Lee. RESPONDENT'S EXHIBITS I1 and I2 are Arkansas report forms. RESPONDENT'S EXHIBIT J is an undated letter from Sheryl Madden, RN, DON, with a 10/27/97 Employee Evaluation attached. All exhibits are admitted without objection.

Respondent adds that he has not yet paid the fine to the Arkansas Board, but that he is current in paying \$213.00 per month for the three-year probation period, as well as remaining in compliance with the Arkansas Board order.

Petitioner states his position that Respondent has entered into KNAP. Petitioner also states that the Arkansas order is a strict order regulating his practice in Arkansas; requiring reporting to that Board, and requiring treatment and follow-up care for his substance abuse problem. Petitioner requests a disposition in which Respondent's license shall be suspended until May 31, 1999, when his license expires. The suspension shall be stayed, allowing him to practice in Kansas under specific conditions, which include:

1. Remaining in, and compliant with, the Kansas Nurse Assistance Program;
2. Any and all nursing employers shall submit quarterly reports regarding her nursing practice and patient care

occurring in Kansas. Said reports are to be prepared and submitted by a Kansas R.N., who is Respondents's Director of Nursing (not a nurse consultant) and who is familiar with his day-to-day nursing practice. These reports shall include information about Respondent's nursing practice and patient care and his attendance. Said reports are to be due April 20, 1998; July 20, 1998; October 20, 1998; January 20, 1999; and April 20, 1999. Said reports are to be submitted by the preparer to the Board's Practice Specialist. See also paragraph 3.

3. Respondent is prohibited from administering any mood altering medications, carrying any keys to medication storage areas, and having any access to medication storage areas, until further order of the board or its designee. Should Respondent have his medication administration privileges restored, there shall be additional information provided in the quarterly employer reports about his documentation of medication administration and related records.

4. Respondent shall sign any and all releases necessary for the release of any information ordered here to be released to the Kansas Board of Nursing's Practice Specialist.

5. Respondent shall return the license card issued to him, and that a new one be issued, which, when issued, shall have an "S" placed in the status code portion of the license card. When the suspension period is complete and the Respondent has complied with these requirements, Respondent may submit his

license and a new one will be issued without the "S."

6. Respondent shall be assessed costs in this matter of thirty-five (\$35.00) dollars to be paid by money order or cashier's check payable to the Board of Nursing within thirty (30) days of the effective date of this order.

7. Respondent shall maintain compliance and meet all obligations to the Arkansas Board order.

Based upon the Respondent's statements, the Hearing Officer makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent is licensed to practice nursing in the State of Kansas as a registered professional nurse (R.N.), license number 13-073001-031, which expires March 31, 1999.

2. The Notice of Proceedings in this matter were sent to the Respondent at her last address known to the Board by first class mail as required by the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

3. Respondent is not represented by counsel in this matter, but has been advised of his right to counsel in this matter. Respondent has stated he understands the nature of the proceedings, their consequences.

5. Respondent, after explanation of his options, admitted to violating the Kansas Nurse Practice Act as stated in the Petition, that disciplinary action was taken against his license to practice nursing by the Arkansas Board of Nursing, the licensing authority for the State of Arkansas, contrary to K.S.A. 65-1120(a)(8), and

that such disciplinary action related to diversion of drugs, specifically demerol, from his employing hospital.

6. Respondent has violated the Kansas Nurse Practice Act, for which disciplinary action may be taken by the Board, or its designated hearing officer against the license or licensee.

CONCLUSIONS OF LAW

1. The Board and this Hearing Officer have jurisdiction to hear this matter pursuant to the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and the Kansas Administrative Procedures Act, K.S.A. 77- 501 et seq. Respondent stipulates to such jurisdiction.

2. The Respondent is not represented by counsel, but has been advised of his right to counsel. Respondent has stated he understands the nature of the proceedings, their consequences.

3. The Respondent has been properly served with the Petition ad Notice of Proceedings in this matter pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

4. The Board, and by designation the Hearing Officer, have the authority, after a finding of a violation of the Nurse Practice Act, to impose any of the disciplinary sanctions identified in K.S.A. 65-1120 and K.S.A. 74-1110 against the Respondent or the Respondent's license to practice nursing in the State of Kansas.

5. K.S.A. 65-1120(b) requires these proceedings of the Board to be conducted pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

6. Based on Respondent's admission, as stated in the Findings

of Fact, Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., by having had disciplinary action taken against his license to practice nursing in the State of Arkansas by the Arkansas Board of Nursing, the licensing authority for that state.

ORDER

Based on the above findings of fact and conclusions of law, the agreement of the parties, IT IS THEREFORE ORDERED pursuant to the disciplinary remedies available under K.S.A. 65-1120 and K.S.A. 74-1110:

Respondent's license shall be suspended through May 31, 1999, when his license expires. The suspension shall be stayed, allowing him to practice in Kansas under specific conditions, which include:

1. Remaining in, and compliant with, the Kansas Nurse Assistance Program;
2. Any and all nursing employers shall submit quarterly reports regarding her nursing practice and patient care occurring in Kansas. Said reports are to be prepared and submitted by a Kansas R.N., who is Respondent's Director of Nursing (not a nurse consultant) and who is familiar with his day-to-day nursing practice. These reports shall include information about Respondent's nursing practice and patient care and his attendance. Said reports are to be due April 20, 1998; July 20, 1998; October 20, 1998; January 20, 1999; and April 20, 1999. Said reports are to be submitted by the preparer to the Board's Practice Specialist. See also paragraph 3.

3. Respondent is prohibited from administering any mood altering medications, carrying any keys to medication storage areas, and having any access to medication storage areas, until further order of the board or its designee. Should Respondent have his medication administration privileges restored, there shall be additional information provided in the quarterly employer reports about his documentation of medication administration and related records.



4. Respondent shall sign any and all releases necessary for the release of any information ordered here to be released to the Kansas Board of Nursing's Practice Specialist.

5. Respondent shall return the license card issued to him, and that a new one be issued, which, when issued, shall have an "S" placed in the status code portion of the license card. When the suspension period is complete and the Respondent has complied with these requirements, Respondent may submit his license and a new one will be issued without the "S."

6. Respondent shall be assessed costs in this matter of thirty-five (\$35.00) dollars to be paid by money order or cashier's check payable to the Board of Nursing within thirty (30) days of the effective date of this order.


7. Respondent shall maintain compliance and meet all obligations to the Arkansas Board order.

IT IS SO ORDERED.

Terry E. Beck
Hearing Officer

Prepared and Submitted by:



Mark S. Braun
Disciplinary Counsel
Assistant Attorney General
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230
Attorney for Petitioner

NOTICE REGARDING RELIEF FROM THIS ORDER
STATEMENT OF APPEAL RIGHTS

This is an Initial Order. The parties to whom this Initial Order is issued may file a petition for review with the Agency Head within fifteen (15) days after service of this order. The petition for review must state the specific grounds upon which relief is requested. Unless a later date is stated within the Initial Order, a stay is granted, or the order is reviewed, an Initial Order shall become a final order without further notice or proceedings thirty (30) days after the date of service as indicated by the attached certificate of service.


CERTIFICATE OF SERVICE

This is to certify that on the 20th day of January, 1998, I deposited a true and correct copy of the Initial Order in the United States Mail, first class mail, postage prepaid to the following:

Ryan Altenhofen
1820 S. Old Manor
Wichita, Kansas 67218

and by hand delivery to:

Mark S. Braun
Assistant Attorney General
Kansas State Board of Nursing
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230


Diane M. Glynn, J.D., R.N.
Practice Specialist