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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  
DAVID J. RUDER  
License No. 13-089436-112**

**Case No. 06-762-7, 04-776-7**

**CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER**

NOW ON THIS 7<sup>th</sup> day of July, 2008, the Kansas State Board of Nursing, represented by Assistant Attorney General, Mark A. Knight, and the Respondent, David J. Ruder, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

**AGREED FINDINGS OF FACT**

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Respondent is licensed to practice nursing in Kansas through 11/30/2008. The Kansas State Board of Nursing (KSBN) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 9733 Lamar Ave, Overland Park, KS 66207.
3. 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 Respondents 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 is established.
4. The Board has requested that a petition be filed to take disciplinary action against the Respondent's license.
5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that Respondent violated K.S.A. 65-1120(a).

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6. Respondent has the right to these hearings and the right to seek review of the findings from the hearings in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Respondent is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against Respondent's license.

7. Respondent understands that pursuant to K.S.A. 77-515, Respondent may be represented at Respondent's expense by, an attorney during these proceedings.

8. (a) On or about 4/28/2003, Respondent entered a Diversion Agreement for a charge of Driving Under the Influence, in the Municipal Court of Desoto, Kansas, case number 6625.

(b) On or about 9/13/2004, successfully complete the diversion agreement in Desoto, Kansas Municipal court case number 6625.

(c) [REDACTED]

(d) [REDACTED]

(e) On or about 7/18/2005, Respondent entered [REDACTED]

(f) On or about 8/4/2005, Respondent was convicted of Driving Under the Influence, 2nd Offense, a misdemeanor, in the Municipal Court of Overland Park, Kansas, case number 2005-0165962. Respondent advised he was under the influence of Ambien.

(g) On or about 7/26/2006, successfully completed all probation requirements in Overland Park, Kansas, Municipal Court case number 2005-0165962.

(h) On or about 1/26/2008, KSBN received a letter dated 1/26/2008 from Respondent stating his desire to surrender his license to practice nursing in Kansas and end participation in the [REDACTED]

(i) On or about 2/4/2008, [REDACTED] letter advising Respondent's [REDACTED] case is closed for noncompliance.

### **CONCLUSIONS OF LAW**

9. 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 licensees 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.

10. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 2: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.

### **POLICY STATEMENT**

11. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

### **DISPOSITION**

12. Based upon this agreement, the parties agree that Respondent is surrendering Respondent's license to practice nursing in the state of Kansas.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Respondent's license to practice nursing in Kansas is immediately revoked. Respondent shall not practice nursing in the state of Kansas.

14. Upon signing this agreement and returning it to the Board, Respondent shall return Respondent's license card with the agreement.

15. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on Respondent's license. The original of this document shall be kept in the Board's agency file and its contents may be disclosed to the public upon request.

16. If Respondent does seek reinstatement of Respondent's license, the agreed facts and listed violations are admitted, Respondent has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of Respondent's license the Respondent will have the opportunity at that time to prove Respondent's fitness to practice nursing in Kansas.

17. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

18. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER.

**IT IS SO ORDERED.**

**David J. Ruder must sign before a Notary Public.**

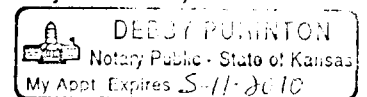
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David J. Ruder  
Respondent  
9733 Lamar Ave  
Overland Park, KS 66207

State of Kansas, County of Wheg ss.  
SUBSCRIBED AND SWORN TO before me by Amy R. Burris David J Ruder

on this 5<sup>th</sup> day of June, 2008.

Debbie Purninton  
Signature of Notary Public

My Commission Expires 5-11-2010  
(Notary Public Seal)



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Mark A. Knight, #12183  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

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Sandra L. Sharon, Presiding Officer

CERTIFICATE OF SERVICE

On the 8<sup>th</sup> day of July, 2008, I mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

David J. Ruder  
312 N 10<sup>th</sup> St.  
Wakeeney, KS 67627

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Mark A. Knight, #12183  
Assistant Attorney General