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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  
BRIAN L. REYNOLDS  
License No. 13-097462-102**

**Case No. 06-527-8**

**INITIAL ORDER - DISPOSITION**

NOW ON THIS 1st day of November, 2006, the above-captioned matter comes on for Disposition hearing before the Kansas State Board of Nursing, Terry E. Beck, duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General, Mark A. Knight. The Respondent, Brian L. Reynolds, appears personally. After a hearing the presiding officer makes the following findings of fact and orders:

**FINDINGS OF FACT**

1. Respondent is licensed to practice nursing in Kansas through 10/31/2008. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 4815 SW 18th Terr, Topeka, KS 66604.
3. On August 7, 2006 a Petition For Emergency Proceedings was filed.
4. On August 9, 2006 a hearing on the Petition For Emergency Proceedings was held. A finding was made that a situation exists involving an immediate danger to the public health, safety or welfare requiring immediate Kansas State Board of Nursing action. The Respondent's license to practice nursing in Kansas was Suspended.
5. On September 6, 2006 a hearing on the Petition was held. A finding was made that the following facts and allegations contained in the Petition were true:  
  
"Respondent was employed in 2006 as a nurse at Stormont-Vail Health Care, Topeka, Kansas. During 2006 another employee of Stormont-Vail observed a public posting created by the respondent on Myspace.com and printed the

posting. The Myspace.com posting was made known to Stormont-Vail Administrative staff.

Respondent met with Stormont-Vail Administrative staff and admitted to posting the material. Respondent was suspended from work on 7/21/06 and then terminated on 7/26/06. A portion of respondent's Myspace.com post is set out below.

'Hmmm... Okay;

While growing up, I've always wanted to be a serial killer. Well, that or a professional BB stacker. After finding out that neither was an option for a college major, I settled for nursing. Which is cool, because I get to stab people with needles and shit. If a patient gets too lippy with me, I just sedate them and then violate them. So... life is good.

More...

I'm newly married to a cynical woman who seems to think that the sky is always falling. Despite her nightly attempts to pummel me in my sleep, I find her strangely charming. If I ever get the code to stop screwing up, I'll put up a slideshow of her/us for you to drool over as your pants begin to get that 'funny feeling' in them.

More, still...

I've spawned two demons in my lifetime. Yes, that's right. I've got impressionable minds having close contact with me on a daily basis. Well, it's more like a weekly basis, seeing how that's how often I get them out of the closet for a bath and a meal. It's just proof that God has a twisted sense of humor. If you're lucky, I'll put pics up of them, too.' The above material has been removed from Myspace.com."

6. The Hearing Officer found that the respondent violated the following sections of the Kansas Nurse Practice Act:

(a) 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.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (e), physical abuse, which shall be defined as any act or failure to act performed intentionally or carelessly that causes or is likely to cause harm to a patient.

7. It was ordered that the Respondent submit to Mental Health and Drug and Alcohol evaluations and to make the results available to the Kansas State Board of Nursing. The Hearing Officer scheduled the matter for Disposition on November 1, 2006.

#### **CONCLUSIONS OF LAW**

8. The respondent has violated the following sections of the Kansas Nurse Practice Act:

(a) 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.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (e), physical abuse, which shall be defined as any act or failure to act performed intentionally or carelessly that causes or is likely to cause harm to a patient.

#### **POLICY STATEMENT**

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

#### **DISPOSITION**

10. The respondent's license to practice nursing in the state of Kansas as a Registered Nurse is suspended. Said suspension is Stayed and the Respondent is allowed to practice conditioned on the following conditions and requirements.

11. Respondent shall Submit Reports from the Respondent's employer to the attention of the Legal Division, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 1051, Topeka, Kansas 66612-1230 on the following schedule: Prior to Respondent securing employment that utilizes his nursing license, Respondent is to mail to the Kansas State Board of Nursing a statement indicating that Respondent has not yet secured employment which utilizes Respondent's nursing license. This statement is due by the 10th day of each month beginning December of 2006.

Once Respondent is employed in a position that utilizes his nursing license, a nursing performance report is due by the 10th day of every third Month.

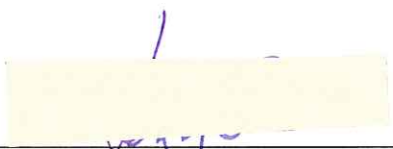
The report shall be prepared and signed by Respondent's employer and be based on the following guidelines:

- (1) Incorporation of information on facility letterhead stationary is preferred.
- (2) Letter format is acceptable, with the date of the report identified.
- (3) Evaluator's name, telephone number, address, license number and nursing credentials.
- (4) Respondent's name, address, telephone number, license number.
- (5) A short explanation of the Respondent's work performance in the following areas:
  - (a) Standards met regarding facility policies and procedures.
  - (b) Compliance with the Kansas Nurse Practice Act.
  - (c) Supervisor evaluations.
  - (d) Overall appropriateness.
  - (e) Interactions with patients.
  - (f) Interactions with staff and administration.

12. Respondent shall pay \$70.00 to the Kansas State Board of Nursing, within the next twelve (12) months, for cost of this action.

13. Respondent shall enter into outpatient therapy at least on time weekly for the first two months and then at least bi-monthly for a minimum of one year with the therapy ending by mutual consent with all mutually agreed upon therapeutic goals met.
14. Respondent shall sign a release of information to and from all therapist and treatment facilities for exchange of information and monitoring purposes.
15. Respondent's license to practice nursing in Kansas will remain suspended
16. Respondent shall cease using alcohol or drugs for one year with KNAP review of monthly random urinalysis tests.
17. Respondent shall complete a one year contract with the Kansas Nurses Assistance Program (KNAP).
18. Respondent's license to practice nursing in Kansas will remain suspended until the Respondent has completed the above conditions and requirements. Once the above conditions and requirements have been completed by the Respondent the suspension will be removed and the case inactivated.

**IT IS SO ORDERED.**

  
Terry E. Beck, Hearing Officer

Appeal Rights and Other Administrative Relief

The procedures available and time limitations for seeking review or other relief as follows: Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send your request to:

Mary Blubaugh, Executive Director, Board of Nursing  
Landon State Office Building  
Suite 1051, 900 SW Jackson  
Topeka, KS 66612-1230

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

CERTIFICATE OF SERVICE

On the 7th day of November, 2006, I mailed a copy of this Initial Order -  
Disposition to:

Brian L. Reynolds  
4815 SW 18th Terr  
Topeka, KS 66604



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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 66612-1230