

FILED

MAY 13 2010

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF

Case No. 05 1074 8; 06 527 8  
08 1025 8

Brian L. Reynolds  
License No. 13 097462 102

OAH No. 10BN0060

**INITIAL ORDER**

Now on this 13th day of April 2010, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon was duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears through Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Brian L. Reynolds, appears in person.

Findings of Fact

1. On August 9, 2006, the Board filed a Petition for emergency hearing regarding the respondent's behavior as a nurse practicing in the State of Kansas involving immediate danger to public health, safety, or welfare.
2. At that time, the respondent's license was suspended, such suspension was stayed provided the respondent participate in the [REDACTED]
3. The respondent completed the [REDACTED] within one year.
4. However, on November 14, 2007, the respondent was arrested for DUI. This DUI was placed in diversion in the District Court of Shawnee County Kansas.
5. On April 12, 2008, the respondent was arrested for felony Burglary in Shawnee County. The respondent was also allowed diversion in the Burglary charge.
6. On July 10, 2009, the respondent's diversion for the November 14, 2007 DUI was set aside and a Journal Entry of Sentencing for Driving under the Influence was entered. The respondent was placed on supervised probation for 24 months.
7. In April and May 2008, the respondent was employed by Correct Care Solutions, a company that provides nursing services to correctional facilities. The respondent was assigned to the Lansing Correctional Facility in Lansing, Kansas. During his employment with Correct Care Solutions, there were complaints by coworkers that the respondent was inappropriate with verbal comments and texts messages. These comments and texts caused workers to feel uncomfortable.

The respondent was disciplined by his employer for creating an uncomfortable or hostile work environment.

8. The respondent has criminal charges for Domestic Battery and Criminal Damage to Property pending in the District Court of Shawnee County, Kansas. This case is set for trial for June 9, 2010.
9. The respondent admits that in all the above stated instances alcohol was a contributing factor.

#### Conclusions of Law

1. The Kansas State Board of Nursing has the authority to deny, revoke, limit, or suspend any license to practice nursing any nurse or applicant when it has shown there has been a violation of the Kansas Nurse Practice Act. Kansas Statutes Annotated (K.S.A.) 65-1120.
2. It is a violation of the Kansas Nurse Practice Act for an individual to be unable to practice nursing with skill and safety due to current abuse of drugs or alcohol. K.S.A. 65-1120(a)(4).
3. It is the position of the Board that due to the respondent's use of alcohol, his behaviors cause concern regarding his safety to practice nursing.
4. The respondent has shown poor judgment in many areas of life. The respondent has been inappropriate in his work place. The respondent has been arrested for Driving under the Influence. The respondent has been arrested for felony Burglary. The respondent has been arrested for Domestic Violence and Destruction to Property. The respondent has made inappropriate remarks regarding his profession and the public he serves. The respondent has admitted that alcohol is a factor in all the above incidents.
5. The respondent has violated the Kansas Nurse Practice Act, specifically K.S.A. 65-1120(a)(4). Further, the respondent's actions demonstrate poor judgment on his behalf which permeates all aspects of the respondent's life, including nursing. This conduct causes concern for public safety and calls into question his ability to safely practice nursing.

#### Conclusion

1. The Board's Petition to revoke the respondent's license is hereby granted.
2. Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

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

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

OFFICE OF ADMINISTRATIVE HEARINGS

  
\_\_\_\_\_  
Sandra L. Sharon  
Presiding Officer  
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On May 13, 2010, I mailed a copy of this document to:

Brian L. Reynolds  
3008 SW Lydia Ave.  
Topeka, KS 66614

Mary Blubaugh, Executive Director  
Alma A. Heckler, Assistant Attorney General  
Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612

  
\_\_\_\_\_  
Staff Person  
Office of Administrative Hearings