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BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

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IN THE MATTER OF DAVID B. MOORE

License No 14-107432-091 AND 43-556867-091

KSBN

Case No. 11-1323-7 AND 11-1501-7

FINAL ORDER AND CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE

NOW ON THIS 22nd day of January, 2012, the Kansas State Board of Nursing, represented by Assistant Attorney General, Michael R. Fitzgibbons, and the Licensee, David B. Moore, 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. Licensee is licensed to practice nursing in Kansas through September 31, 2013. The Kansas State Board of Nursing (KSBN) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record 3018 W. 82nd Terrace Leawood, Kansas 66206.
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 applicants 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 licensee'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 licensee violated K.S.A. 65-1120(a).

6. Licensee 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. Licensee 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 licensee's license.

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

8. (a) A petition was filed 6th day of September, 2012 to take disciplinary action against the licensee's license.

(b) The petition alleged:

1. Licensee admitted to using narcotics in 2009 and licensee was referred to KNAP January 12th, 2010.

2. The reportable event was Working under the influence of drugs/alcohol.

3. Licensee submitted his resignation from Allied Health Professional Staff at Shawnee Mission Medical Center effective January 9th, 2010.

4. Licensee signed a KNAP agreement on April 5th, 2010 which included monitoring access to mood altering medications without supervision and a key restriction.

5. While under contractual agreement with AAKC, it is alleged that there were narcotic discrepancies on various patients under respondent's care where two vials you obtained on September 8th, 2011 were unaccounted for.

6. This licensee removed controlled substances from pyxis in direct violation of a key restriction with KNAP and a contractual agreement with his employer which incorporated the KNAP agreement.

7. The violation of the key restriction occurred on September 8th, 2011 while working at Research Medical Center for AAKC.
8. This licensee was terminated on September 9th, 2011, by AAKC for the violation of the contractual agreement with AAKC and violation of his KNAP Agreement.
9. On October 10th, 2011, licensee's UDS tested positive for cocaine.
10. Licensee failed to provide a 12 Step Sheet for December, 2011 in violation of the KNAP Agreement.
11. Licensee had been charged with Driving Under in Influence in Mission Kansas in January 10th, 2012.
12. Respondent entered a plea to Driving Under the Influence and was sentenced to 180 days and required to serve five (5) days in jail with a \$1250 fine on the 24th of July, 2012.

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 applicants 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)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

Count 2 K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, or falsifying or altering documents.

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

POLICY STATEMENT

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

DISPOSITION

12. Based upon this agreement and final order, the parties agree that Licensee is surrendering licensee'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 Licensee's license to practice nursing in Kansas is immediately revoked. Licensee shall not practice nursing in the state of Kansas.

14. Upon signing this agreement and returning it to the Board, licensee shall return licensee's license card with the agreement, if in his possession.

15. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document shall be kept in the Board's agency file. This Agreement is a public record and will be reported to national disciplinary data banks. The effective date of this Consent Agreement to Surrender and Revoke is the date shown on the certificate of service.

16. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee'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 FINAL ORDER AND
CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE .

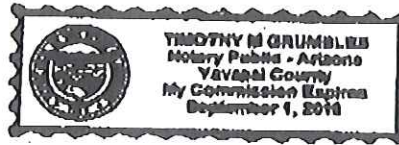
IT IS SO ORDERED.

~~Respondent~~
David B. Moore
3018 W. 82nd Street
Leawood, Kansas 66206

1/15/2013 must sign before a Notary Public.

My commission expires 9/1/2016

HOLBROOK & OSBORN, P.A.
Attn: Carol Ruth Bonebrake #12672
107 SW 8th Avenue, Suite 210
Topeka, Kansas 66603



~~Michael R. Fitzgibbons #12287~~
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

Sandra Sharon, Presiding Officer

Pursuant to K.S.A. 77-527, either party may request a review of this final order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed with 15 days from the date this final order was served. Failure to timely request a reconsideration by the Kansas State Board of Nursing may preclude further judicial review. The petition for reconsideration 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 final order is served by mail, three days are added to the time limits set out above.

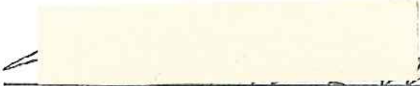
Pursuant to K.S.A. 77-530, if a request for reconsideration is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 23rd day of January, 2012 I mailed a copy of this /FINAL ORDER AND CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE to:

David B. Moore
3018 W. 82nd Street
Leawood, Kansas 66206

HOLBROOK & OSBORN, P.A.
Attn: Carol Ruth Bonebrake #12672
107 SW 8th Avenue, Suite 210
Topeka, Kansas 66603



Michael R. Fitzgibbons #12287
Assistant Attorney General