

FILED

OCT 27 2016

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
Nathan Jeremy Herman**

**License No. 14-130394-072/Reinstatement
Case No. 15-1170-7**

EFFECTIVE AS A
FINAL ORDER

DATE: 10-27-2016

SUMMARY ORDER

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Bryce D. Benedict, and for its cause of action states that:

1. Applicant, Nathan Herman, allowed his or her license to lapse on or about July 31, 2016. Applicant filed an application for reinstatement on August 18, 2016. The Board has jurisdiction over the applicant and the subject matter of this action.
2. Applicant's address of record per his application is 16208 Rolling Ridge Road, Omaha NE 68135.
3. Any person who fails to secure a renewal license within the time specified may secure a reinstatement of such lapsed license by making verified application on a form provided by the board, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board. K.S.A. 65-1117(b).
4. The Kansas State Board of Nursing may deny a license if the applicant is deficient in qualification, or in the quality of education, or if there are disqualifying factors under K.S.A. 65-1120 and amendments thereto. Among the disqualifying factors enumerated in K.S.A. 65-1120 is unprofessional conduct as defined by the rules and regulations of the Kansas State Board of Nursing. K.S.A. 65-1120(a)(6). Unprofessional conduct is defined by K.A.R. 60-3-110.

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.

5. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent is neither competent nor qualified to practice, and referred this matter for further proceedings.

6. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

STATEMENT OF FACTS

7.

- (a) The Kansas State Board of Nursing suspended the applicant's license until KNAP, the impaired provider program, made a finding that applicant was safe to practice.
- (b) The applicant thereafter followed up with KNAP, but allowed his license to lapse.
- (c) Pursuant to the terms of the Board's contract with KNAP, a person must be licensed by Kansas to participate in a KNAP program.
- (d) The Board offered to allow applicant to become re-licensed, with an immediate suspension of his license in order that he might complete the KNAP evaluation.
- (e) Applicant has not accepted this offer.
- (f) Applicant has not established that he is safe to practice, and the prior suspension order remains in effect.

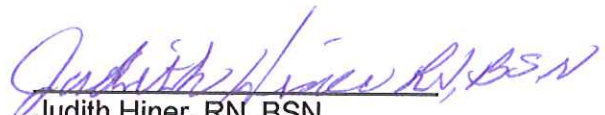
8. The evidence before the Board shows that the applicant is neither competent nor qualified to practice nursing, and that the safety of the citizens of Kansas is protected by denying the application for reinstatement.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

- 1. Applicant's application for reinstatement is denied.**
- 2. Licensee shall not practice nursing in the state of Kansas.**

NOTICE

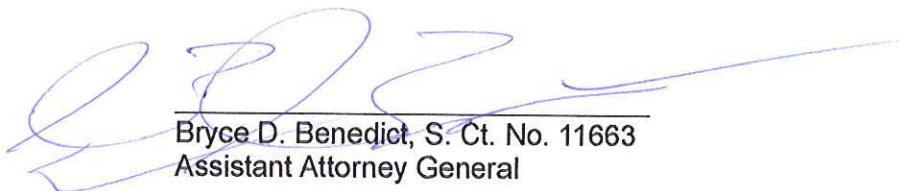
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 7th day of October, 2016, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Nathan Herman
16208 Rolling Ridge Road
Omaha NE 68135


Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General

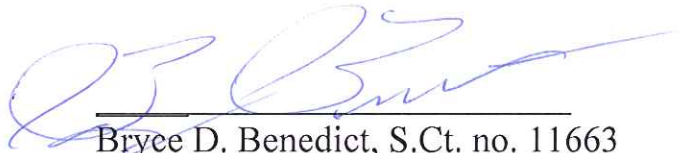
FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition must be filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka KS 66612.

CERTIFICATE OF SERVICE

I certify that on the 27th day of October, 2016, a copy of the Final Order and Final Order Notice of Rights was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Nathan Herman
16208 Rolling Ridge Road
Omaha NE 68135



Bryce D. Benedict, S.Ct. no. 11663
Assistant Attorney General