

February 5, 2009

Patrick A. Goertz  
301 S Belmont Street  
Wichita, KS 67218

Case No. 93-443-5, 08-513-5  
License No. 14-047596-061

**SUMMARY ORDER**

Dear Mr. Goertz:

The Investigative Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a registered nurse in Kansas is denied. This denial is based upon the following:

**FINDINGS OF FACT**

1. (a) On or about May 27, 2008, the Board received Respondent's application for reinstatement of his license to practice nursing in the state of Kansas as a registered nurse. Respondent's registered nurse license lapsed on June 30, 2003.

(b) Respondent had a prior discipline case, Case No. 93-443-5. He was referred to the Kansas Nurse Assistance Program (KNAP) after Respondent entered into a Consent Agreement and Final Order with the Board on or about March 27, 1997. In the agreement he agreed to remain in compliance with KNAP, provide quarterly reports for a period of two years from both his employer and from his psychiatrist. The psychiatrist was to provide information about his Bi-polar disorder and his safety to practice. Respondent's license was renewed contingent on the Consent Agreement and Order remaining in effect for two years and the Respondent's compliance with the terms of the Agreement.

(c) Respondent failed to comply with KNAP, relapsed on alcohol, had two surgeries with narcotic treatment and use and failed to provide quarterly reports from his employer and his psychiatrist. Respondent's KNAP case was closed on June 8, 1999. Board allowed Respondent to keep his RN license so long as he was under the care of a psychiatrist and otherwise continued to comply with the requirements of the Consent Agreement and Order.

(d) When Respondent filed a reinstatement application with the Board on May 27, 2008, he told the Board on June 2, 2008, he had a stroke and wanted to teach about stroke. Board requested that he provide progress reports from his psychiatrist to prove his safety to practice. Respondent indicated he was not currently under the care of a psychiatrist but would provide progress reports. Respondent was contacted again on July 15, 2008 and August 15, 2008. Further efforts to contact Respondent were unsuccessful. Respondent has never

provided any progress reports as requested by the Board and has not responded to further efforts by the Board to contact him.

### CONCLUSIONS OF LAW

2. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

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

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.

(c) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(t), failing to furnish the board, its investigators, or its representatives with any information legally requested by the board.

3. Per *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991), the factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made are the following:

- The present moral fitness of the petitioner;
- The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- The extent of petitioner's rehabilitation;
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.

4. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application in whole or in part.

5. Your conduct described herein violates the Kansas Nurse Practice Act.

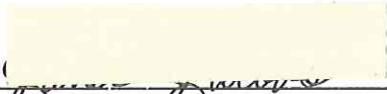
6. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

7. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

8. 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

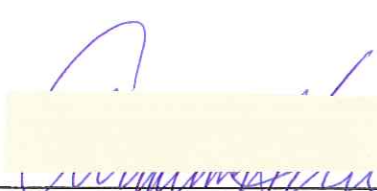
THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

 LPN  
Janet Jacobs LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 10<sup>th</sup> day of February, 2009, 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:

Patrick A. Goertz  
301 S Belmont Street  
Wichita, KS 67218

  
Alma A. Heckler, #11555  
Assistant Attorney General