

Kansas State Board of Nursing

Landon State Office Building
900 S.W. Jackson, Rm. 551-S
Topeka, Kansas 66612-1230
785-296-4929
FAX 785-296-3929



October 3, 2002

Joseph Robert Jolivette
3601 N. St. Francis
Wichita, Kansas 67219

Executive Administrator
785-296-5752
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Education Specialists
785-296-3782
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Practice Specialist
785-296-8401

Assistant Attorney General
Disciplinary Counsel
785-296-4325

SUMMARY ORDER

Dear Mr. Jolivette:

The Disciplinary Committee of the Kansas State Board of Nursing has reviewed your application materials for a permanent license and for a temporary permit and on behalf of the Board members I am denying your license endorsement application to practice nursing as a registered nurse (R.N.) in Kansas. This denial is based upon the following:

FINDINGS OF FACT

1. You have a history of drug diversion, failure to report prior convictions on your 6/96 and 6/98 reinstatement and renewal applications, and false statements regarding your termination from Christ Villa in Wichita on your 6/02 reinstatement application.
 2. You answered "Yes" to the question "Have you ever been convicted of a misdemeanor or felony?" but failed to reveal all of the prior convictions or to provide certified copies of the complaints and judgments until requested and did not supply such information on your 6/96 or 6/98 convictions.
 - a. On or about 12/14/95 you were convicted of misdemeanor DUI and a misdemeanor theft charge.
 - b. On or about 8/6/96 you were convicted of driving while your license was suspended, a misdemeanor.
 - c. On the 6/96 reinstatement application you failed to report the 12/95 convictions and on the 6/98 renewal you failed to report the 12/95 and 8/96 convictions.
 - d. On or about 4/13/00 more allegations of drug diversion surfaced at Christ Villa in Wichita, Kansas and you were terminated due to your failure to complete requested UDS and suspected drug diversion.
 - e. On 6/28/02 (date on the reinstatement application) you provided false statements on your reinstatement application. You indicated that you were terminated from Christ Villa in Wichita for failing to show for work in
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November, 1999, when in fact you were terminated for suspected drug diversion in 4/2000.

- f. Additionally, there have been two prior instances of drug diversion in 1988 and 1992 and you received treatment and monitoring from peer assistance programs in Louisiana and Kansas.
3. Your reinstatement application for a license in Kansas was received on 7/1/02.

CONCLUSIONS OF LAW

1. K. S. A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found:

(a) To have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except notwithstanding K.S.A. 74-120 no license, certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto;

(b) To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

(c) To be unable to practice with skill and safety due to current abuse of drugs or alcohol;

(d) To have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122 and amendments thereto;

(e) Unprofessional conduct as demonstrated by diverting drugs, supplies, or property of any patient or agency.

2. 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.

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

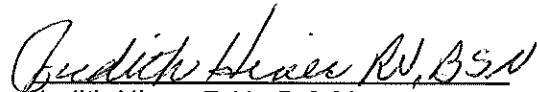
4. If the information provided is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

5. Pursuant to K.S.A. 1992 Supp 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
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
(785) 296-4325

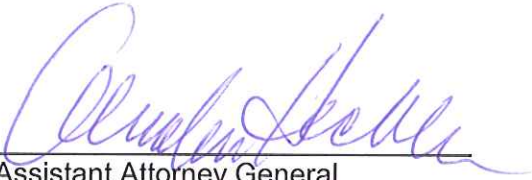
THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.


Judith Hiner, R.N., B.S.M.
Board Member

CERTIFICATE OF SERVICE

I certify that on the 10th day of October, 2002, 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:

Joseph Robert Jolivette
3601 N. St. Francis
Wichita, Kansas 67219


Assistant Attorney General