

Mark S. Braun, #12795
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON, #551-S
TOPEKA, KANSAS 66612-1230

IN THE MATTER)
)
OF) Case No: 95-0192-7
)
DENNIS GROOMER)
LICENSE NO. 14-070136-112)

PROPOSED DEFAULT ORDER

Now on this 14th day of December, 1995, the above-captioned matter comes on for a scheduling docket hearing before Terry E. Beck, the Board's designated Hearing Officer, on the Petition filed with the Board. The Petitioner appears by and through Assistant Attorney General Mark S. Braun, Disciplinary Counsel for the Board. The Respondent, Dennis Groomer, does not appear. The matter is set over to February 23, 1996 for hearing as set forth in the previous Notice of Hearing. The Hearing Officer notes for the record that the Petition and Notice of Proceedings were served on the Respondent December 1, 1995, by placing same in the United States Mail to him at 307 5th Street, Wiley, Colorado 81092.

NOW ON THIS 23rd of February, 1996, the above-captioned matter comes on for hearing on the Petition, before Terry E. Beck, Hearing Officer designated by the Board. The Petitioner appears by

and through Assistant Attorney General Mark S. Braun, Board Disciplinary Counsel. Respondent does not appear.

Whereupon, the Hearing Officer asks the Petitioner if he is ready to proceed. Petitioner's counsel states he is ready and, pursuant to K.S.A. 77-520, states an oral motion for a default judgment based on the Respondent's failure to appear. In support of the motion, the Petitioner states as follows:

1. The Notice of Proceedings, which included: a copy of the Notice of Scheduling Docket and Notice of Hearing, and the Petition were served on the Respondent at his last address known to the 307 5th Street, Wiley, Colorado 81092, on December 1, 1995.

2. The Notice of Proceedings stated that the Scheduling Hearing was set for December 14, 1995 and that the Hearing was scheduled for February 23, 1996. More than ten (10) days have elapsed since the Respondent was served notice for each of those dates.

3. Respondent did not appear at either hearing.

4. No written notice or request for continuance was received by the Board as is provided for in the Notice of Proceedings.

5. Petitioner offers Petitioner's Exhibits Nos. 1 and 2. Exhibit No. 1 is an August 14, 1995 letter to Harry Holloway, KSBN investigator, from Kathy Apple of the Nevada Board of Nursing. Attached to that letter is a May 8, 1995 letter to Mr. Holloway from Ms. Apple indicating that the Nevada Board of Nursing denied licensure to the Respondent. Exhibit NO. 2 is an August 28, 1995 letter to Mr. Holloway from Ms. Apple, responding to specific

questions of Mr. Holloway regarding the Nevada Board of Nursing's denial of licensure to the Respondent.

Whereupon, the Hearing Officer makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent has been entitled to practice in Kansas as a registered professional nurse (LPN), having been issued license number 14-070136-112, with an expiration date of November 30, 1996. Therefore, this Board and Hearing Officer have jurisdiction over this Respondent.

2. On December 1, 1995, Respondent was served at his last address known to the Board with the Petition and a Notice of Proceedings, which included Notice of a December 14, 1995 Scheduling Docket and a February 23, 1996 Hearing.

3. Respondent failed to appear on either date. Further, the Respondent did not seek any continuance, nor indicate any opposition to proceeding with the hearing. Respondent did ask to have his license placed on inactive status.

4. Respondent's license to practice as a nurse was denied by the Nevada Board of Nursing as indicated in Petitioner's Exhibits Nos. 1 and 2.

CONCLUSIONS OF LAW

1. The Board and this Hearing Officer has jurisdiction to hear this matter pursuant to K.S.A. 65-1113, et seq.

2. This Board has jurisdiction over the Respondent as a licensee of the Board.

3. The Hearing Officer, by designation of the Board, has the authority to issue disciplinary action against the Respondent's license to practice as a nurse in Kansas, according to the Kansas Administrative Procedures Act, K.S.A. 77-501, et seq.

4. Notice of the proceedings and service of the notice were done in accordance with requirements of the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq., and the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and therefore, are found to be proper.

5. K.S.A. 65-1120(b) authorizes the Board to conduct all proceedings in accordance with the provisions of the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

6. Respondent violated the Kansas Nurse Practice Act as stated in the Petition, in that his application for licensure in Nevada was denied. Such action constitutes a violation of the Kansas Nurse Practice Act, K.S.A. 65-1120(a)(8).

7. The Board and the Hearing Officer by the Board's designation has the authority to issue proposed default orders pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

8. Respondent does not appear and is found to be in default in these proceedings.

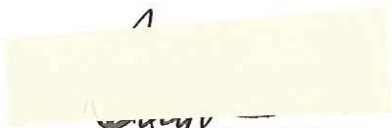
9. Therefore, Respondent is found to have violated the Nurse Practice Act as stated in the Petition.

ORDER

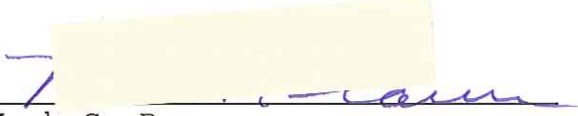
Based upon the Findings of Fact and Conclusions of Law, **It Is Ordered** that the license issued to Dennis Groomer to practice as a

registered professional nurse (RN) in the State of Kansas is hereby
Revoked. Respondent may not practice as a nurse in the state of
Kansas.

IT IS SO ORDERED


Terry E. Beck
Hearing Officer

PREPARED AND SUBMITTED BY:


Mark S. Braun
Assistant Attorney General
Disciplinary Counsel
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
(913) 296-8401

NOTICE REGARDING THIS PROPOSED DEFAULT ORDER

This is a Proposed Default Order. The party against whom it is issued may file a written motion with seven (7) days after service, requesting that the Proposed Default Order be vacated and stating the grounds relied upon.

The Proposed Default Order shall become effective after expiration of the time within which the party may file a written motion to vacate the Order is filed with the agency within such time.

Upon receipt of a motion to vacate a Proposed Default Order, the Presiding Officer shall either vacate the Proposed Order or issue the Default Order as proposed. If the Hearing Officer

issues a Default Order as proposed, the Order shall become effective upon service.


CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Proposed Default Order was served by depositing same in the United States Mail, first class postage prepaid, this 26th day of March, 1996, to:

Dennis Groomer
307 5th Street
Wiley, Colorado 81092

And by hand delivering a copy of same to:

Mark S. Braun
Disciplinary Counsel
Kansas State Board of Nursing
Landon State Office Building
900 S.W. Jackson, Room 551-S
Topeka, Kansas 66612-1230

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Diane M. Glynn, J.D., R.N.
Practice Specialist

Mark S. Braun, #12795
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
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IN THE MATTER)
))
OF) Case No: 95-0164-0
))
DENNIS GROOMER))
LICENSE NO. 14-070136-112)

PETITION

COMES NOW the Petitioner, the Kansas State Board of Nursing by and through its Disciplinary Counsel, Assistant Attorney General Mark S. Braun, and initiates these proceedings under the provisions of K.S.A. 65-1120, and for its cause of action, alleges and states:

1. The Kansas State Board of Nursing, hereinafter referred to as the "Board," has received information, conducted an investigation, and determined there are reasonable grounds to believe Respondent has committed acts in violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

2. The Board has requested the office of the Attorney General to prosecute this action. Carla J. Stovall is the duly elected and acting Attorney General for the State of Kansas.

3. Respondent's mailing address last known to the Board is 307 5th Street, Wiley, Colorado 81092.

4. Respondent is or has been entitled to practice as a registered professional nurse (R.N.) in the State of Kansas, having been issued License No. 14-070136-112, having an expiration date of November 30, 1996.


5. Since the issuance of the license, Respondent has committed acts in violation of K.S.A. 65-1113, et seq., as follows:

On or about March 1, 1995, the Respondent was denied a license to practice nursing the State of Nevada by the Nevada State Board of Nursing. The denial was based upon a positive drug screen (urninalysis) for cocaine. Such denial constitutes a violation K.S.A. 65-1120(a)(8), "to have a license to practice nursing as a registered nurse denied ... by a licensing authority of another state."

WHEREFORE, Petitioner prays the Board serve the Respondent with a copy of this Petition and a copy of a Notice of Hearing as required by law. Petitioner further prays that upon evidence presented at the hearing, the Board make findings and conclusions that Respondent has committed acts in violation of the Kansas Nurse Practice Act, and that the Board take and impose such disciplinary action as it shall deem just and proper.

Respectfully submitted,

CARLA J. STOVALL
Attorney General


#12795 Mark S. Braun
Assistant Attorney General
Kansas State Board of Nursing