

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JAN 05 2015

**IN THE MATTER OF
RICKY L. HENSLEY
License No. 14-89968-111 (Reinstatement)**

KSBN

Case No. 14-1600-0

SUMMARY ORDER

Now this 5th day of January, 2015, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the Registered Nurse (RN) Reinstatement Application of Ricky L. Hensley, (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant let his RN nursing license lapse on or about 11/30/2003. He filed a reinstatement application on or about October 3, 2013. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Applicant's address of record is P.O. Box 294, Texhoma, Oklahoma 73949.

(c) Applicant was last employed by Heritage Community in Oklahoma. He was terminated from his position on 8/27/2014 due to an allegation that he diverted drugs, specifically hydrocodone.

(d) Applicant failed to report his criminal history on his Kansas reinstatement application. He was convicted of driving under the influence in Lafayette, Louisiana in 1983. The board has a certified copy of the conviction.

(e) Applicant has prior history of discipline. He was reprimanded by the Louisiana Board of Nursing due to his failure to disclose his criminal arrest and/or conviction. He entered into a Consent Agreement on or about 10/6/2004.

(f) Applicant was also disciplined by the Oklahoma Board of Nursing. He entered into a Consent Agreement on or about 11/6/2000. Applicant tested positive for marijuana when he was required to take a pre-employment physical.

(g) The board discovered the applicant was disciplined by the Louisiana Board and requested the applicant provide a certified copy of the agreement in a letter dated October 13, 2014. The applicant failed to report his DUI conviction to the Louisiana Board. The applicant, also, failed to report the Oklahoma and Louisiana discipline on his Kansas reinstatement application.

(h) The Kansas Board requests that the Applicant's application for reinstatement be denied.

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

(b) K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d).

(c) K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country....

3. Applicant's conduct described herein violates the Kansas Nurse Practice Act.

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 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.

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

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

1. Applicant's application to reinstate is denied.

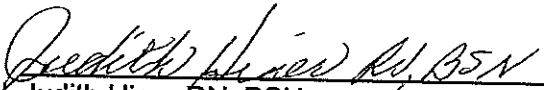
2. Applicant shall not practice nursing in the state of Kansas.

4. Applicant shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective date of this Order.

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.

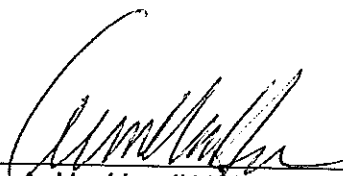
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


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

CERTIFICATE OF SERVICE

I certify that on the 5th day of January, 2015, 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:

Ricky L. Hensley
P.O. Box 294
Texhoma, Oklahoma 73949


Alma A. Heckler, #11555
Assistant Attorney General