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BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

AUG 9 2010

KSBN

IN THE MATTER OF
CRAIG S. SVOBODA
License No. 14-092476-121

Case No. 07-586-0

AMENDED PROPOSED DEFAULT ORDER TO DENY LICENSE

NOW ON THIS 12th day of August, 2010, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:


1. Respondent was licensed as a registered nurse through 12/31/2005. Respondent submitted a Reinstatement Application to the Board on or about 9/28/09. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Respondent contacted the Board by electronic mail on April 22, 2010 and indicated that he will not be attending the prehearing. Respondent did not provide a reason for his failure to appear and participate.
3. Petitioner moves for issuance of a proposed default order denying the respondent license to practice nursing in the state of Kansas. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's application to practice nursing is denied. Respondent shall not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.

7. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.

8. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

9. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.




Sandra V. Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

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

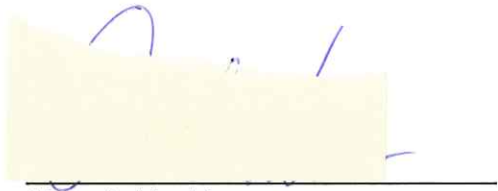


Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 13th day of August, 2010, the foregoing copy of the Proposed Default Order To Deny License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Craig S. Svoboda
P.O. Box 39022
Phoenix, AZ 85069

A rectangular area of the document is redacted with a yellow highlight. Above the redaction, there are faint blue ink marks that appear to be the start of a signature or initials.

Alma A. Heckler
Assistant Attorney General

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
CRAIG S. SVOBODA
License No. 14-092476-121**

Case No. 07-586-0

**FILED
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PETITION

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

1. Respondent, Craig S. Svoboda, was licensed to practice nursing in Kansas. Respondent's license to practice nursing in Kansas lapsed. Respondent submitted a reinstatement application. A summary denial of respondent's license to practice nursing in Kansas was entered. The respondent submitted a timely appeal. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is P.O. Box 39022, Phoenix, AZ 85069.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. 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.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:

(a) On or about 9/28/09, the Board received Applicant's application for reinstatement of Applicant's license to practice nursing in the state of Kansas.

(b) Review of the Application and other information gathered by the Board revealed the following information upon which this action is based. Applicant's background check shows several past convictions. Board requested applicant supply certified copies of the complaints and convictions. The last request was made on by letter dated December 23, 2009. The letter was returned to the Board by the U.S. Post Office with the indication "temporarily away".

(c) Applicant has supplied copies of some of the complaints and convictions but the copies were not certified by the Arizona courts as required by statute. Applicant was notified that he needed to send certified copies of the documents he had sent to the Board. Furthermore, applicant has never submitted any copies of his 1982 conviction in California, certified or otherwise. Applicant has failed to respond to the Board requests for documentation and certification. Therefore, the applicant has failed to complete the reinstatement application and is not eligible for reinstatement.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1 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.

Count 2 K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation to warrant the public trust.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that Respondent's reinstatement application be denied, and that costs of this action be assessed to the Respondent in the amount of \$70.00.

Respectfully submitted,

Stephen N. Six
Kansas Attorney General

By:


Alma A. Heckler, #11555
Assistant Attorney General

FILED

JAN 25 2010

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
CRAIG S. SVOBODA
License No. 14-092476-121**

Case No. 07-586-0

SUMMARY ORDER

Now this 25th day of January, 2010, 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 reinstatement application of Craig S. Svoboda (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant was previously licensed to practice nursing in the state of Kansas. Applicant's license to practice nursing in the state of Kansas as a registered nurse lapsed on or about 12/31/2005. Applicant submitted an application for reinstatement of Applicant's license to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.

(b) Applicant's address of record is P.O. Box 39022, Phoenix, AZ 85069.

(c) On or about 9/28/09, the Board received Applicant's application for reinstatement of Applicant's license to practice nursing in the state of Kansas.

(d) Review of the Application and other information gathered by the Board revealed the following information upon which this action is based. Applicant's background check shows several past convictions. Board requested applicant supply certified copies of the complaints and convictions. The last request was made on by letter dated December 23, 2009. The letter was returned to the Board by the U.S. Post Office with the indication "temporarily away".

(e) Applicant supplied copies of the complaints and convictions but the copies were not certified by the Arizona courts. Applicant was notified that he needed to send certified copies of the documents already supplied for convictions in Arizona. Applicant has never submitted any copies of his 1982 conviction in California, certified or otherwise. Applicant has failed to respond to the Board request. Therefore, the applicant is not eligible for reinstatement.

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)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation to warrant the public trust.

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 and 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.


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


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

1. Applicant's reinstatement application to practice nursing in the state of Kansas is denied.

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.

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.




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

CERTIFICATE OF SERVICE

I certify that on the 25th day of January, 2010, 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:

Craig S. Svoboda
P.O. Box 39022
Phoenix, AZ 85069



Alma A. Heckler, #11555
Assistant Attorney General