

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING JUL 29 2008

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

KSBN

**IN THE MATTER OF
RICHARD J. SLINGERLAND
License No. 14-97690-042**

Case No. 08-427-8

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 29th day of July, 2008, 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 is licensed to practice nursing in Kansas through 4/30/2010. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default.
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 license to practice nursing is revoked. Respondent may 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. Respondent shall immediately forward his or her original Kansas license to the Kansas State Board of Nursing.
8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.

Sandra L. Sharon, Presiding Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at:

State Board of Nursing - Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230

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 26th day of July, 2008, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Richard J. Slingerland
2631 Belle Crest Dr
Lawrence, Kansas 66046

Alma A. Heckler
Assistant Attorney General

BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF
Richard J. Slingerland
License No. 14 97690 042

Case No. 08 427 8
OAH No. 08BN0145

Now on this 29th day of August 2008, the above-captioned matter comes on for consideration on the Respondent's request that the Proposed Default Order issued in the above-captioned matter be vacated. The Kansas State Board of Nursing, appears through its disciplinary counsel, Alma A. Heckler.

1. On June 2, 2008, a Petition and Notice of Prehearing Conference were filed in the above-captioned case. Respondent copies of the Petition and Notice of Prehearing Conference were mailed to the Respondent. Pursuant to the notice of Prehearing Conference, a Prehearing was scheduled for July 29, 2008, at 9:00 a.m. The respondent did not appear.
2. On August 4, 2008, the Respondent filed a request for the default order to revoke license of July 29, 2008 to be set aside and the matter reset. Respondent was mailed a copy of the petition and notice of hearing to the only known address provided to the Kansas Board of Nursing on June 2, 2008. The Respondent does not provide any legal reason to set aside the order to revoke. He requests all future correspondence should be sent to a new address in Pennsylvania but had not previously provided such address to the Board.
3. Petitioner objects to the Respondent's request for the following reasons:
 - a. Respondent fails to state a reason for his request to have the default order of July 29, 2008 set aside or vacated.
 - b. Respondent failed to respond to the board investigator and to the petition and notice of hearing.
4. The Presiding Officer finds the Respondent failed to establish good cause for his failure to participate in the Prehearing scheduled for July 29, 2008.
5. If the Proposed Default Order becomes effective, the respondent has a right to judicial review pursuant to K.S.A. 77-601 et seq. Pursuant to K.S.A. 77-527(j), the Secretary of the Kansas State Board of Nursing, Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230 is designated as the individual to receive service of a petition for judicial review.

The Presiding Officer, being well and duly advised in the premises, hereby denies the Respondent's request that the Proposed Default Order be vacated.

OFFICE OF ADMINISTRATIVE HEARINGS

Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On Aug 29, 2008, I mailed a copy of this document to:

Richard J. Slingerland
2631 Belle Crest Dr.
Lawrence, KS 66046

Alma A. Heckler
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612

Staff Person
Office of Administrative Hearings