



October 3, 2002

Gary Applehans
316 East 19th
Hays, Kansas 67601

Executive Administrator
785-296-5752
ksbn0@ink.org

Education Specialists
785-296-3782
ksbn1@ink.org

Practice Specialist
785-296-4325

Assistant Attorney General
Disciplinary Counsel
785-296-8401

SUMMARY ORDER

Dear Mr. Applehans:

The Disciplinary Committee of the Kansas State Board of Nursing has reviewed your application materials and on behalf of the Board members I am denying your reinstatement 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 diversion of medications and a felony conviction that has been expunged from your criminal history of attempting to obtain controlled substance fraudulently. The Missouri State Board of Nursing entered into an agreement with you, placing you on suspension for one year and then probation for a period of five (5) years. The certified copy of the agreement with Missouri was not submitted by you to the Kansas Board of Nursing.

(a) On or about May 12, 1996 through June 24, 1996 you withdrew approximately 13, 225 mg. of Demerol from your employer's supplies but failed to accurately document in the nurse notes or the MAR administration of the Demerol to patients.

(b) On or about January 27 to 30, 1997, you diverted seven injections of Demerol from yet another facility.

(c) On or about June 20, 1997 you pled guilty to a Class D Felony, Fraudulently Attempting to Obtain Controlled Substances.

2. Your application for a license in Kansas was received on 4/12/2002.

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 unable to practice with skill and safety due to current abuse of drugs or alcohol;

(c) 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 or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact.

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.

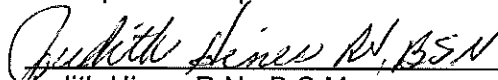
3. Your conduct described herein violates the Kansas Nurse Practice Act.

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.N.
Board Member

CERTIFICATE OF SERVICE

I certify that on the 14th 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:

Gary Applehans
316 East 19th
Hays, Kansas 67601


Assistant Attorney General