

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
HAROLD BELL
LICENSE NO. 14-068154-082**

CASE NO. 03-018-0

Filed
NOV 13 2003
Board of Nursing

INITIAL ORDER of LIMITATION

Now on this 12th day of November, 2003 the petitioner's request that respondent's license to practice nursing in the State of Kansas be disciplined comes on for hearing. The respondent appears personally, and the petitioner, the board of nursing, by and through disciplinary counsel for the board, Betty Wright, and after a conference hearing the hearing officer makes the following findings and orders:

FINDINGS OF FACT

1. Respondent filed a reinstatement application for an RN license on February 3, 2003.
2. On February 28, 2003 a Summary Order denying reinstatement was mailed to respondent to Respondent's address of record: P O Box 2, Carl Junction, MO 64834.
3. On March 13, 2003 respondent requested a hearing on the denial.
4. Petitioner served a copy of the petition and notice of a hearing on October 8, 2003 to respondent's last known address on July 15, 2003, addresses the respondent provided to the Board and service was proper.
4. On October 9, 2003 a Default Order Denying Reinstatement of License was mailed to respondent at above address.
5. On Oct 20, 2003 the respondent mailed a letter stating he was unaware of the hearing date and wants to vacate the Default Order.
6. The respondent has agreed that he has a history of discipline before the Missouri State Board of Chiropractic Examiners and the Kansas Board of Healing Arts, as a chiropractor. In Missouri, respondent's chiropractic license was suspended for three (3) years, with two years

stayed suspension, followed by five years probation beginning May 26, 2000 and ending May 26, 2006. Special conditions were imposed when and if respondent ever returned to practice; respondent was to have a female assistant or attendant present in the exam/treatment room at any time he examined or treated a female patient and the assistant or attendant had to sign or initial the daily records for all female patients. Respondent was to complete a course of psychological counseling, have the counselor send the evaluation to the Board along with a description of the course of counseling and prognosis to the Missouri Board.

7. In Kansas, the matter was referred to the Kansas Board of Healing Arts, discipline was imposed and the final order of the Kansas Board of Healing Arts states that respondent was suspended for one year (4/28/01 to 4/27/02). At the end of the one year of suspension respondent was required to request conversion of his chiropractic license to an active status. At the time of reactivation, respondent's chiropractic license would have limitations for a minimum of four years. Respondent has not requested that his Kansas chiropractic license be activated. Respondent is currently licensed to practice nursing in Missouri but the Missouri Board of Nursing did place a letter in his file regarding the discipline of respondent's chiropractic license.

8. The joint proposed findings of fact contained in the Stipulation and Agreement the respondent agreed to, in the matter pending before the Missouri State Board of Chiropractic Examiners indicated that the respondent entered into a sexual relationship with two females 1998 and 1999, while both were currently his patients. In one case, sexual contact and relations occurred at his office at least four times and the total number of contacts was at least nine. The second female had a sexual relationship with the respondent for approximately one month.

CONCLUSIONS OF LAW

9. The respondent has violated the following sections of the Kansas State Nurse Practice Act:

(a) To be guilty of unprofessional conduct as defined by rules and regulations of the Board;

(b) K.A.R. 60-3-110(f) defines unprofessional conduct as "commission of any act of sexual abuse, sexual misconduct, or sexual exploitation related to the licensee's practice.

POLICY STATEMENT

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

DISPOSITION

11. The Hearing Officer finds that the licensee is not under discipline of his nursing license in Missouri.

12. The licensee may is granted a limited license to practice nursing. The licensee is to practice nursing with on site supervision. He is not to practice in home health or private duty nursing. This limitation of practice requires that an L will be placed on the license card.

13. Costs of the action of **\$70.00 are assessed and to be paid within 60 days of receipt of this order.**

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

15. If there are not further violations of the Nurse Practice Act this case will be inactivated at the end of this renewal period, and the next license will be issued with no limitations.

IT IS SO ORDERED.



Terry E. Beck, Hearing Officer

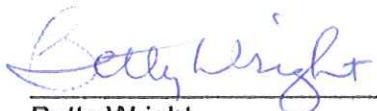
NOTICE OF RIGHT TO APPEAL

The procedures available and time limitations for seeking review or other relief as follows:

Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send your request to:

Mary Blubaugh, Executive Director, Board of Nursing
Landon State Office Bldg.
Suite 1051, 900 SW. Jackson
Topeka, KS 66612-1230.

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

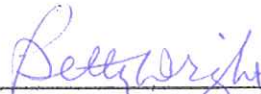


Betty Wright
Assistant Attorney General
900 S.W. Jackson, Suite 1051
Topeka, Kansas 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

On the 2 day of December, 2003, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to respondent at

Harold Bell
P O Box 2
Carl Junction, MO 64834



Betty Wright, Assistant Attorney General