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Board of Nursing

KANSAS STATE BOARD OF NURSING  
MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

AUGUST<sup>90</sup>  
~~JULY 18~~, 2005

David Thornbury  
1635 Deetz Road  
Mount Shasta, CA 96067-9011

Case 04-647-0

SUMMARY ORDER

Dear Mr. Thornbury:

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 application for endorsement as a LMHT in Kansas. This denial is based upon the following:

FINDINGS OF FACT

1. Applicant has submitted an application for endorsement in Kansas from California, it was received by the Board 9/20/2004.
2. The respondent submitted an application for endorsement to Kansas as an LMHT on 12/11/2002. On that application he failed to report that disciplinary action had been taken against his license. On that application the respondent reported that he held a National Certification as a "Psychiatric Assistant". The respondent supplied a copy of a certificate stating such. The expiration date of the certificate said 4/15/1998 and handwritten next to it was the date 4/14/2006. The Association which issued the certificate stated his certificate expired 4/10/2000. The handwritten date was not accurate. On 2/11/2003 the Board office informed the respondent that after a review of his application by the education specialist it was "determined that you do not qualify for licensure as a mental health technician in Kansas."
3. The respondent submitted in endorsement application for licensure as an LMHT on 9/20/2004. The notarization on the application was falsified. It had been cut and pasted with a California seal with the following notation also cut and pasted: "Melissa L. Ulbin Comm. #1284567 Notary Public-California Contra Costa County My commission expires Dec 26, 2010." The California Secretary of State's Office stated that commission number is valid but is registered not to Melissa Ulbin but a different individual. They also reported the commissions were only good for 4 years. The notarization on the "Verification Request Form" was also a piece of paper cut and pasted with the following notation: "Jonathan T. Doe Fulton County Georgia" with a commission expiration date of Jan 4, 2010. The form was signed by "Jonathan T. Doe Records Administrator." The Georgia Superior Court Clerks' Cooperative Authority office was contacted and states a notarization must have a state seal on it and that they do not have a notary by the name of Jonathan Doe in Georgia. The "Verification Request Form" was falsified.

4. The respondent voluntarily surrendered his nursing license No. 1-52858 in Alabama by Consent Order 12/10/1986 due to drug diversion of Tylenol III, Tylox, and Demerol. He admitted to signing out the medications and not giving them to the hospital patients. On the 2002 and 2004 applications the respondent failed to report the disciplinary action that had been taken against his license in Alabama. Alabama orders are attached and incorporated within.
5. The respondent's Vocational Nurse license was revoked 4/6/1988 by the Board of Vocational Nurse and Psychiatric Technician Examiners Department of Consumer Affairs State of California. The respondent's vocational nurse license No. T-124984 was revoked for unprofessional conduct relating to "false or grossly incorrect chart entries for controlled substances. The respondent applied for reinstatement of his license twice in California, 9/21/1999 and 1/14/2003. Both times California held a reinstatement hearing and the respondent failed to appear. On both the 2002 and 2004 Kansas applications the respondent failed to report the disciplinary action that had been taken against his license in California. California orders are attached and incorporated within.
6. The applicant provided false employer information in the 2002 applications. He submitted two employer evaluations. One evaluation was from the Eastside Mental Health Center in Birmingham, Alabama dated 9/14/1999. The 1999 evaluation was identical to the second evaluation from the State of Alabama Dept. of Mental Health, Montgomery, Alabama, an exit interview dated 7/7/1980. The Eastside Mental Health Center was contacted and informed the board that the applicant had not worked there since 1995.
7. 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.

**K.S.A. 65-4209. Grounds for disciplinary actions; proceedings; witnesses; costs; professional incompetency defined; criminal history record information.**

(a) The board may deny, revoke, limit or suspend any license to practice as a mental health technician issued or applied for in accordance with the provisions of this act, or may publicly or privately censure a licensee or may otherwise discipline a licensee upon proof that the licensee:

(1) is guilty of fraud or deceit in procuring or attempting to procure a license to practice mental health technology;

(9) to have a license to practice mental health technology 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 for purposes of this paragraph (9).

Your conduct described herein violated the Kansas Nurse Practice Act.

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

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application will be sent to you upon request

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

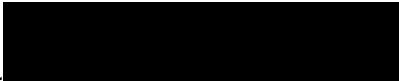
THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

Kelly Arpin, L.P.N.  
Board Member

CERTIFICATE OF SERVICE

I certify that on the 18TH day of JULY, 2005, 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:

David Thornbury  
1635 Deetz Road  
Mount Shasta, CA 96067-9011

  
Betty Wright, Assistant Attorney General  
785-296-7047