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Board of Nursing

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

KATHLEEN SEBELIUS, GOVERNOR

December 2, 2005

Case 04-872-0

Gregory P. O'Neill
601 S. Vista Lane #89
Edmond, Oklahoma 73034-6329

SUMMARY ORDER

Dear Mr. O'Neill:

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 nurse in Kansas. This denial is based upon the following:

FINDINGS OF FACT

1. Applicant has submitted an application for endorsement in Kansas from Oklahoma, it was received by the Board 11/29/2004.
2. The application for endorsement was checked "yes" at question #17. This question is: Has any license or certification ever been denied, revoked, suspended, limited, or disciplinary action taken by a licensing authority of another state ...
3. The applicant revealed discipline by the Oklahoma Board of Nursing and provided official documents on Original License R0038237. The documents were: Oklahoma Board Stipulation, Settlement and Order of 9/25/2002 (attached and included within) in which the board disciplined the applicant for an incident in June 2002 while a charge nurse he slept on duty and left the facility fifteen minutes early without notifying appropriate authorities, leaving the residents under the care of licensed nursing personnel who were not on duty. A March 18, 2003 letter from the Oklahoma Board indicates the terms of the Order were completed. (Attached and included within.)
4. The applicant failed to reveal discipline of two other states, Texas and Wyoming. Failing to reveal disciplines to the board is considered fraud and is a violation of K.S.A. 65-1120(a)(1). A records investigation by the board revealed the following disciplinary actions:
 - a. The Wyoming State Board of Nursing issued a Denial of Licensure to the applicant on 1/15/2003 due to the Oklahoma discipline. (Attached and included within.)
 - b. The Board of Nurse Examiners of the State of Texas issued an Eligibility Agreed Order on March 25, 2004. Based upon the Oklahoma discipline the applicant's license in Texas is conditional and encumbered. He was fined, ordered to complete six additional nursing hours on ethics, and is not to practice nursing outside of Texas without permission from the Board of Nurse Examiners of Texas. (Attached and included within.)
5. 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.

CONCLUSIONS OF LAW

7. 6. K. S. A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found to be guilty of violating the nurse practice act. The above incidents established evidence that the respondent violated:
7. K.S.A. 65-1120(a)(8) 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 for purposes of this paragraph.
8. K.S.A. 65-1120 (a) (3) to have committed an act of professional incompetency as defined in subsection (e); *Professional incompetency defined.* As used in this section, "professional incompetency" means: (2) repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board;
9. K.S.A. 65-1120(a)(1) to be guilty of fraud or deceit in practicing nursing.
10. Your conduct described herein violated the Kansas Nurse Practice Act.
11. 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.
12. 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.



Tamara Hutchison, RN, BSN
Board Member

CERTIFICATE OF SERVICE

I certify that on the 2nd day of December, 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:

Gregory P. O'Neill
601 S. Vista Lane #89
Edmond, Oklahoma 73034-6329


Betty Wright, Assistant Attorney General
785-296-7047