



Kathleen Sebelius, Governor
Mary Blubaugh MSN, RN
Executive Administrator
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KSBN

April 16, 2007

Arlon P. Peda
69 Fairway Dr, #1
Blanchard, ID 83804

Case No. 06-772-0
License No. Applicant

SUMMARY ORDER

Dear Mr. Peda:

The Investigative Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a registered nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) Applicant is licensed as a registered nurse in the state of Montana. On or about August of 1989, Applicant was disciplined by the Montana Board of Nursing (MBN) for illicit drug use. Applicant was placed on probation by the MBN for a period of two years.

(b) [REDACTED] As a result of the relapse the MBN revoked Applicant's Montana nursing license.

(c) On or about January of 1990, Applicant applied for reinstatement of his Montana nursing license. On or about August of 1991, Applicant's Montana nursing license was reinstated. Applicant was placed on probation for a period of four years.

(d) On or about April of 1990, Applicant was disciplined pursuant to a stipulation and order before the Wyoming State Board of Nursing. The discipline was based on the MBN revocation. The Wyoming State Board of Nursing placed Applicant's Wyoming nursing license in a probationary status for a period of two years.

(e) [REDACTED] On or about April of 1992 the MBN suspended Applicant's nursing license and after the appeal time lapsed, the MBN entered a final order revoking Applicant's Montana nursing license.

(f) During April of 1992, Applicant submitted a registered nurse endorsement application to the Oregon Board of Nursing. On or about September of 1992 the Oregon Board of Nursing denied Applicant's application for endorsement. The Oregon Board of Nursing cited

the MBN discipline action against Applicant's Montana nursing license as the basis for the denial.

(g) On or about October of 1993, Applicant applied for reinstatement of his Montana nursing license. On or about February of 1994, the MBN denied Applicant's request for reinstatement.

(h) On or about March of 1995, Applicant applied for reinstatement of his Montana nursing license. During May of 1995, Applicant entered a stipulation for issuance of probationary license with the MBN. On or about March of 1997, Applicant requested the MBN to remove his probationary status and reinstate his Montana nursing license. On or about April of 1999, the MBN reinstated Applicant's license to practice nursing in the state of Montana.

(i) On or about September 29, 2006, Applicant submitted an application to the Kansas State Board of Nursing for endorsement as a registered nurse in the State of Kansas.

(j) Question number 14 of Applicant's Kansas endorsement application ask "Has any license, certification or registration (nursing or other) ever been denied, revoked, suspended, limited or disciplinary action taken by a licensing authority of any state, agency of the US government, territory of the US or country?" Applicant answered "Yes" to question number 14 and provided further, "Montana 1992 - Restored 1995." Applicant did not provide information in question number 14 regarding actions taken by the Oregon Board of Nursing and the Wyoming Board of Nursing.

CONCLUSIONS OF LAW

2. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(a) K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

(c) 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, or territory.

3. 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 in whole or in part.

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

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

6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

7. 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.

 Judith Hiner, RN, BSN, CNA
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 16th day of April, 2007, 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:

Arlon P. Peda
69 Fairway Dr, #1
Blanchard, ID 83804

Mark A. Knight, #12183
Assistant Attorney General