

July 7, 2008

Gregory Spears
46 Waters Edge Way
Fayetteville, GA 30215

Case No. 08-377-0
License No. 24--071

SUMMARY ORDER

Dear Mr. Spears:

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

FINDINGS OF FACT

1. (a) On or about 4/24/2008, the Board received Respondent's application for endorsement of his license to practice nursing in the state of Kansas as a licensed practical nurse. On his application, he indicated he had never been denied a license to practice in any other state. He was denied a license to practice nursing in Alabama in 1985.

(b) The respondent was convicted in Butler County Circuit Court in Alabama of Robbery in the third degree in 1982. Charging documents indicate he committed theft and took \$70.00 from the victim and in the course of the theft used force against the person. He caused serious physical injury to the victim in violation of Title 13A-8-41 of the Criminal Code of the State of Alabama.

(c) The crime of Robbery in the third degree in Kansas is Aggravated Robbery, K.S.A. 21-3427 and the elements of the crime are listed as follows:

"Aggravated robbery is a robbery, as defined in K.S.A. 21-3426 and amendments thereto, committed by a person who is armed with a dangerous weapon or who inflicts bodily harm upon any person in the course of such robbery.
Aggravated robbery is a severity level 3, person felony."

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)(2), to have been convicted of a felony 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.

(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 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.

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.


Tamara Hutchison, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 7th day of July, 2008, 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 Spears
46 Waters Edge Way
Fayetteville, GA 30215


Alma A. Heckler, #11555
Assistant Attorney General