

**FILED**

NOV 10 2008

**KSBN**

November 10<sup>th</sup>, 2008

Joshua D. Ferguson  
700 N. Woodland  
Olathe, KS 66061

Case No. 07-570-7  
License No. Applicant

**SUMMARY ORDER**

Dear Mr. Ferguson:

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 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. On or about 5/9/2006, a criminal complaint was filed in the District Court of Johnson County, Kansas, case number 06CR1297. The complaint charged the Applicant with a level 5 person felony, Attempted Criminal Sodomy. The complaint alleged that on or about 5/8/2006 the Applicant did "engage in internet chat with a detective who was posing as a 14-year-old girl, suggest they meet and have oral sex, then drove to a residence in Olathe to meet the 14-year-old girl and have oral sex."

On or about 2/23/2007, the KSBN received Applicant's endorsement application to practice nursing in the state of Kansas. Within the application, Applicant answered "No" to the question: "Are criminal proceedings pending in any federal or state court?"

On or about 3/8/2007, the KSBN received Applicant's second endorsement application to practice nursing in the state of Kansas. Within the application, Applicant answered "No" to the question: "Are criminal proceedings pending in any federal or state court?"

On or about 3/9/2007, Applicant was issued a temporary permit to practice nursing in the state of Kansas. The temporary permit was issued based on the information provided in the endorsement application submitted by Applicant.

On or about 4/30/2007, Respondent was convicted of Attempted Criminal Sodomy, a felony, in the District Court of Johnson County, Kansas, case number 06CR1297.

## 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:

Count 1: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

Count 2: 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.

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.

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

CERTIFICATE OF SERVICE

I certify that on the 16<sup>th</sup> day of November, 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:

Joshua D. Ferguson  
700 N. Woodland  
Olathe, KS 66061

Joshua D. Ferguson  
3317 North 103<sup>rd</sup> Ct.  
Kansas City, KS 66109



Mark A. Knight, #12183  
Assistant Attorney General