

**BEFORE THE KANSAS STATE BOARD OF NURSING**

Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

**FILED**  
**OCT 25 2011**  
**KSBN**

**IN THE MATTER OF  
DARYL W. THOMPSON**

**License No. Endorsement/Temporary Permit**

**Case No. 11-1234-0**

**PROPOSED DEFAULT ORDER TO REVOKE TEMPORARY LICENSE AND DENY LICENSE**

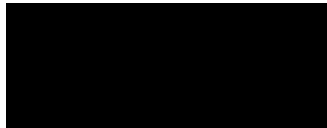
NOW ON THIS 25<sup>th</sup> day of October, 2011, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent, Daryl W. Thompson, is temporarily licensed to practice nursing in Kansas through 11/8/2011. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's temporary permit and denying his license to practice nursing in Kansas. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's temporary permit to practice nursing is revoked and his application to practice nursing in Kansas is denied. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.

7. The fingerprint/background fee of \$50.00, and the returned check service fee of \$30.00, are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
8. Respondent shall immediately forward his temporary permit to the Kansas State Board of Nursing.
9. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.
10. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
11. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

**IT IS SO ORDERED.**



Sandra L. Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

**NOTICE**

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30<sup>th</sup> day following its service.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.



Alma A. Heckler, #11555  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

**CERTIFICATE OF SERVICE**

I certify that on the 25<sup>th</sup> day of October, 2011, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Daryl W. Thompson  
3046 Ramage Dr  
Paducah, KY 42003



Alma A. Heckler  
Assistant Attorney General

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**PETITION**

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent, Daryl W. Thompson, is temporarily licensed to practice nursing in Kansas through 11/8/2011. The Board has jurisdiction over the respondent and the subject matter of this action.
2. For the purpose of service of this pleading, respondent's address of record is 3046 Ramage Dr , Paducah, KY 42003.
3. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

**FACTS**

4. The Respondent in this case was temporarily licensed on or about 7/11/2011. Respondent submitted a check drawn on Respondent's personal checking account dated 7/8/2011, in the amount of \$50.00, to pay the fingerprint/background fee. The check was returned by the financial institution for insufficient funds. The Respondent was notified of the returned insufficient funds check and the \$30.00 return check service fee, by letter dated August 1, 2011. To date there has been no money order received for payment of the fees.

**VIOLATIONS**

5. Respondent has violated the Kansas Nurse Practice Act as follows:


Count 1: 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.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, payment of the fingerprint/background fee of \$50.00, and returned check service fee of \$30.00, and revocation of respondent's temporary license, denial of his endorsement application to practice Nursing in Kansas and for respondent to be assessed the \$70.00 costs of this action. Respondent should be assessed a total of \$150.00 in costs and fees.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By:

  
Alma A. Heckler, #11555  
Assistant Attorney General