

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**IN THE MATTER OF  
Michael Weston-Clark**

**NOV 25 2015**

**License No. Endorsement  
Case No. 15-897-0**

**KSBN**

**SUMMARY ORDER**

Now on this 25th day of November, 2015, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the applicant, Michael Weston-Clark, by way of Summary Order as provided by K.S.A. 77-537.

1. Applicant filed an endorsement application on or about June 9, 2015. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Applicant's address of record is 7809 NE 51<sup>st</sup> Street, Kansas City MO 64119.
3. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the applicant failed to meet the requirements to practice as a nurse in Kansas, and referred this matter for further proceedings.
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 if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

**FINDING OF FACTS**

6. (a) The Applicant has had offenses which were alcohol related.
- (b) The Kansas State Board of Nursing directed the Applicant to undergo a chemical dependency evaluation, and if indicated by the evaluation then the Applicant would be required to enter into a KNAP program.
- (c) As a result of the evaluation it was recommended the Applicant enter the KNAP program and undergo random drug screenings for at least twelve months.
- (d) The Applicant refuses to enter into a KNAP program.

**STATEMENT OF LAW**

7. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106(c)(4), K.S.A. 65-1117(a) and K.S.A. 65-1120(a) to examine, license, renew or reinstate licenses and may limit, deny, suspend or revoke a license or authorization to practice nursing, and may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110.

8. The Kansas State Board of Nursing may deny a license as a practical nurse if the applicant is deficient in qualification, or in the quality of education, or if there are disqualifying factors under K.S.A. 65-1120 and amendments thereto. K.S.A. 65-1116(b) & (c)(1).

9. Among the disqualifying factors enumerated in K.S.A. 65-1120 is unprofessional conduct as defined by the rules and regulations of the Kansas State Board of Nursing. K.S.A. 65-1120(a)(6). Unprofessional conduct is defined by K.A.R. 60-3-110, to include failing to complete the requirements of the impaired provider program of the Board.

10. A license reinstatement requires the applicant to be competent and qualified to act as a nurse. K.S.A. 65-1117(b).


#### **FINDINGS OF LAW AND FACT**

The above facts demonstrate the applicant has not met the requirements for approval of his or her license.

#### **IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**

- 1. Applicant's application is denied.**
- 2. Licensee shall not practice nursing in the state of Kansas.**

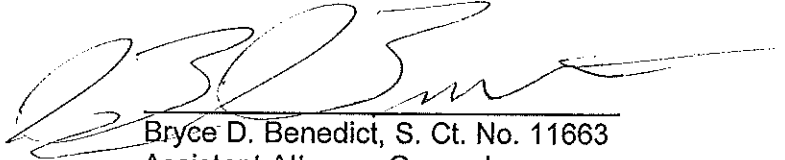
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

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

#### **CERTIFICATE OF SERVICE**

I certify that on the 25<sup>th</sup> day of November, 2015, 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:

Michael Weston-Clark  
7809 NE 51<sup>st</sup> Street  
Kansas City MO 64119



Bryce D. Benedict, S. Ct. No. 11663  
Assistant Attorney General