

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
LOUIS M. FRANK
License No. 23-023223-021**

**Case No. 02-199-8
OAH No. 07BN0016**

INITIAL ORDER LIFTING STAY OF SUSPENSION

NOW ON THIS 25th day of September, 2007, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing, Sandra L. Sharon, duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General, Mark A. Knight. The Respondent, Louis M. Frank, appears personally. After a hearing the presiding officer makes the following findings of fact and orders:

FINDINGS OF FACT

1. Respondent is licensed to practice nursing in Kansas through 2/28/2009. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 1258 Clay St Apt 2, Topeka, KS 66604.
3. Respondent entered a Consent Agreement and Final Order on or about 4/27/2007, with the Kansas State Board of Nursing to resolve case number 02-199-8. The Consent Agreement and Final Order remain in effect until such time as the Respondent completes all conditions and requirements of the Consent Agreement and Final Order.
4. Pursuant to Paragraph 13 of the 4/27/2007, Consent Agreement and Final Order Respondent's application for reinstatement of his license to practice nursing in Kansas after the following conditions were met:

"(a) Respondent has met all statutory requirements for reinstatement of Respondent's Kansas Nursing License; (b) Respondent has entered the Kansas Nurses Assistance Program (KNAP); and (c) KNAP has issued a written

statement to the Kansas State Board of Nursing which states that the Respondent has completed two consecutive months of compliance in KNAP and that the Respondent is safe to practice nursing in the State of Kansas."

5. [REDACTED]

6. On or about 8/22/2007, Respondent's license to practice nursing in Kansas was reinstated, immediately suspended, and the suspension stayed pursuant to the April 27, 2007 Consent Agreement and Final Order.

7. [REDACTED]

8. Conditions of the Consent Agreement and Final Order include a condition that the respondent participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP).

9. Conditions of the Consent Agreement and Final Order include a condition that the respondent submit to random drugs screens and that a positive drug screen is a violation of the Consent Agreement and Final Order.

10. [REDACTED]

11. [REDACTED]

12. [REDACTED]

13. The 4/27/2007, Consent Agreement and Final Order states that upon a first finding of Respondent not complying with the conditions or requirements of this Consent Agreement, the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas, shall be lifted for a period of six months from the date of said finding. Respondent will not be allowed to practice nursing in the state of Kansas during the period of suspension.

14. The 4/27/2007, Consent Agreement and Final Order states that upon the Stay of Suspension being lifted due to a finding of non-compliance with this Consent Agreement, the Suspension will not again be Stayed until the Respondent has, following the prescribed time period of suspension, provided written verification to the Board that Respondent is in compliance with all conditions and requirements of this Consent Agreement. Upon the Respondent providing said written verification the suspension will again be stayed.

CONCLUSIONS OF LAW

15. The respondent has violated the following sections of the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110(s).

Count 3: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

POLICY STATEMENT

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

DISPOSITION

17. The Stay of Suspension of Respondent's license to practice nursing in the state of Kansas is lifted for a period of six months beginning 9/25/2007. Respondent shall not practice nursing in the state of Kansas during the period of suspension.

18. At the end of the six month period of suspension, the suspension of Respondent's license to practice nursing in the state of Kansas will be stay when Respondent provides written verification of meeting the conditions and requirement stated in the 4/27/2007, Consent Agreement and Final Order for the suspension to be again stayed.

19. The \$70.00 costs of this action are waived.

IT IS SO ORDERED.

Sandra L. Sharon, Hearing Officer

Appeal Rights and Other Administrative Relief

The procedures available and time limitations for seeking review or other relief as follows: Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send your request to:

Mary Blubaugh, Executive Director, Board of Nursing
Landon State Office Building
Suite 1051, 900 SW Jackson
Topeka, KS 66612-1230

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

CERTIFICATE OF SERVICE

On the 25th day of September, 2007, I mailed a copy of this Initial Order Lifting Stay of Suspension to:

Louis M. Frank
1258 Clay St Apt 2
Topeka, KS 66604

Mark A. Knight, #12183
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612