

**BEFORE THE KANSAS STATE BOARD OF NURSING**  
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051  
TOPEKA, KANSAS 66612-1230

Filed  
OCT - 8 2003  
Board of Nursing

**IN THE MATTER OF  
ROGER MORRISON  
LICENSE NO. 23-017521-091**

**CASE NO. 01-542-8**

**DEFAULT ORDER REVOKING LICENSE**

**NOW ON THIS** 8th day of October, 2003, petitioner appears by disciplinary counsel, Betty Wright, for a Prehearing on the Petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent was licensed through 9-30-03 as an L.P.N. The board filed a petition on 4-22-03 and has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking license.
4. The petitioner's request is granted by default.
5. The parties agreed to settle the 01-022-3 case and entered into a diversion agreement on May 7, 2002.
6. As the basis for the diversion agreement in case 01-022-3 and its enforcement only, it was established by agreement that the respondent had violated K.S.A. 65-1120(a)(6), unprofessional conduct-failing to take appropriate action or to follow policies and procedures designed to safeguard the patient and K.S.A. 65-1120(a)(2) "to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...."
7. The respondent agreed to participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor the respondent and for KNAP to report information to the Board.
8. The respondent was charged with a DUI on 2/23/01 and entered into a one year Diversion Agreement with the county on 8/22/01. He admitted to the investigator and to KNAP that he had a history of alcohol abuse and had been referred to KNAP originally and contacted KNAP on 6/21/00. Respondent

self referred after, he contends, he was pressured by his employer the Veteran's Administration Center in Topeka, Kansas, after his supervisor noted alcohol on his breath while at work. The respondent did not inform KNAP of the DUI conviction until after he failed to attend a 5/01 and a 6/01 UDS collection and monthly monitoring meeting. He had completed treatment prior to the DUI and when KNAP became aware of the DUI, referred the respondent to return to continued care at St. Francis Hospital in Topeka.

9. The Board has received notice from KNAP that the respondent's file has been closed for non-compliance, failure to submit 12 step attendance sheets since July, 2002, no UA's for August or September, missed monthly monitoring meetings for August and September, 2002, and had not attended aftercare at St. Francis per his discharge agreement.

Respondent has violated:

K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(c), unprofessional conduct; failing to take appropriate action or to follow policies and procedures designed to safeguard the patient.


K.S.A. 65-1120(a)(2) "to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...."

K.A.R. 60-3-110(r) failing to comply with any disciplinary order of the Board.

K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the Board.

10. Payment of the costs of this action of \$70.00 are assessed to respondent to be paid to the board by certified check or money order within 30 days of the effective date of this order.
11. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

**IT IS SO ORDERED.**



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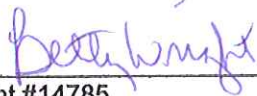
Terry E. Beck, Hearing Officer

### NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board at:

State Board of Nursing –Legal Division  
Landon State Office Building  
900 SW Jackson, Ste 1051  
Topeka, KS 66612-1230

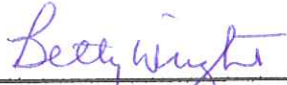
within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.

  
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Betty Wright #14785  
Assistant Attorney General  
900 S.W. Jackson, Suite #1051  
Topeka, Kansas 66612-1230  
785-296-4325

### CERTIFICATE OF SERVICE

On the 9th day of October, 2003, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to:

Roger Morrison  
5720 NW Topeka, Lot 2  
Topeka, KS 66617

  
\_\_\_\_\_  
Betty Wright, Assistant Attorney General

Filed

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TOPEKA, KANSAS 66612-1230

**APR 22 2003**  
**Board of Nursing**

**IN THE MATTER OF**  
**ROGER MORRISON**  
LICENSE NO. 23-017521-091

**CASE NO. 01-542-8**

**PETITION**

**COMES NOW** the petitioner, the 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 is licensed to practice nursing through 9/30/2003.
2. Respondent's address of record is 5720 NW Topeka Blvd. Lot #2, Topeka, KS 66617.
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.
4. After an investigation the Board's investigative committee found reasonable grounds to believe that the respondent had violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
5. The parties agreed to settle the 01-022-3 case and entered into a diversion agreement on May 7, 2002.
6. As the basis for the agreement and its enforcement only, it was established by agreement that the respondent had violated K.S.A. 65-1120(a)(6), unprofessional conduct-failing to take appropriate action or to follow policies and procedures designed to safeguard the patient and K.S.A. 65-1120(a)(2) "to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...."
7. The respondent agreed to participate in and complete the reasonable recommendations

and requirements of the Kansas Nurses Assistance Program (KNAP); sign releases of information necessary for KNAP to evaluate and monitor the respondent and for KNAP to report information to the Board.

### **FACTS COMMON TO ALL COUNTS**

8. The respondent was charged with a DUI on 2/23/01 and entered into a one year Diversion Agreement with the county on 8/22/01. He admitted to the investigator and to KNAP that he had a history of alcohol abuse and had been referred to KNAP originally and contacted KNAP on 6/21/00. Respondent self referred after, he contends, he was pressured by his employer the Veteran's Administration Center in Topeka, Kansas, after his supervisor noted alcohol on his breath while at work. The respondent did not inform KNAP of the DUI conviction until after he failed to attend a 5/01 and a 6/01 UDS collection and monthly monitoring meeting. He had completed treatment prior to the DUI and when KNAP became aware of the DUI, referred the respondent to return to continued care at St. Francis Hospital in Topeka.

9. The Board has received notice from KNAP that the respondent's file has been closed for non-compliance, failure to submit 12 step attendance sheets since July, 2002, no UA's for August or September, missed monthly monitoring meetings for August and September, 2002, and had not attended aftercare at St. Francis per his discharge agreement.

### **COUNT I**

Respondent has violated K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(c), unprofessional conduct; failing to take appropriate action or to follow policies and procedures designed to safeguard the patient.

### **COUNT II**

Respondent has violated K.S.A. 65-1120(a)(2) "to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...."

**COUNT III**

Respondent has violated K.A.R. 60-3-110(r) failing to comply with any disciplinary order of the Board.

**COUNT IV**

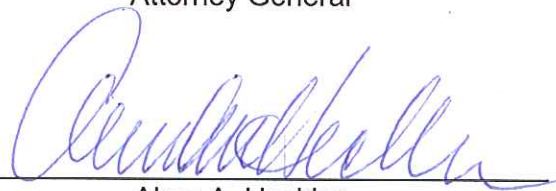
Respondent has violated K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the Board.

**WHEREFORE**, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that his license be revoked for his failure to complete the diversion agreement and that the respondent cannot practice with safety. The costs of this action should be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Phill Kline  
Attorney General

By: \_\_\_\_\_



Alma A. Heckler  
Assistant Attorney General