

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAR 29 2011

**IN THE MATTER OF
BRADLEY E. YOST
License No. 23-20562-081**

KSBN

Case No. 09-656-3

PROPOSED DEFAULT ORDER TO DENY LICENSE

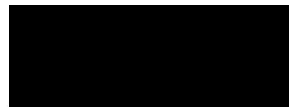
NOW ON THIS 29th day of March, 2011, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is not licensed to practice nursing in Kansas but agreed as a condition of a Consent Agreement and Final Order dated August 11, 2010, that his license to practice nursing in Kansas shall not be granted until such time and the Respondent has demonstrated compliance with the Kansas Nurse Assistance Program (KNAP) for six months. Respondent submitted a Reinstatement Application to the Board on or about May 11, 2010. 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 denying the respondent license to practice nursing in the state of 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.

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. 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.
8. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
9. 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 30th 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 29th day of March, 2011, the foregoing copy of the Proposed Default Order to Deny License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Bradley E. Yost
1907 Main #A
Hays, Kansas 67601



Alma A. Heckler
Assistant Attorney General

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**IN THE MATTER OF
BRADLEY E. YOST
License No. 23-20562-081**

Case No. 09-656-3

PETITION TO DENY REINSTATEMENT

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, Bradley E. Yost, is not licensed to practice nursing in Kansas but agreed as a condition of a Consent Agreement and Final Order dated August 11, 2010, that his license to practice nursing in Kansas shall not be granted until such time as the Respondent has demonstrated compliance with the Kansas Nurse Assistance Program (KNAP) for six months. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1907 Main #A, Hays, Kansas 67601.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. 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 COMMON TO ALL COUNTS

5. The facts below are common to all counts:

(a) Respondent entered a Consent Agreement and Final Order (Consent Agreement) on or about August 11, 2010, with the Kansas State Board of Nursing to resolve case number 09-656-3. The Consent Agreement remains in effect until such time as the Respondent completes all conditions and requirements of the Consent Agreement. Respondent has not completed all conditions and requirements of the Consent Agreement.

(b) Pursuant to the August 11, 2010, Consent Agreement, Respondent's license to practice nursing in Kansas will not be granted until such time as the Respondent has demonstrated compliance with KNAP for six months.

(c) 

(d) Respondent  is noncompliant with the terms of the August 11, 2010 Consent Agreement and Final Order.

VIOLATIONS

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

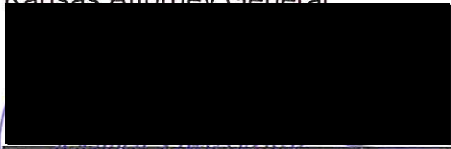
Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.

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).

WHEREFORE, petitioner requests the Respondent's May 11, 2010 reinstatement application for a nursing license be denied, costs of this action should be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General



By:

Alma A. Heckler, #11555
Assistant Attorney General