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Assistant Attorney General
Kansas State Board of Nursing
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Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING
LANDON STATE OFFICE BUILDING
900 S.W. JACKSON, #551-S
TOPEKA, KANSAS 66612-1230
(785) 296-8401

IN THE MATTER)
)
OF)
)
MARK BARRAGER)
LPN REINSTATEMENT APPLICANT)
LICENSE NO. 23-021289-032)

Case No: 93-0467-6

PROPOSED DEFAULT ORDER

On the 5th day of January, 1999 the above-captioned matter came on for a hearing before Terry E. Beck, the Board's designated Hearing Officer on the Respondent's Request for a review of the Summary Denial Order filed with the Board on November 2, 1998. The Petitioner appeared by and through Assistant Attorney General Rex G. Beasley Disciplinary Counsel for the Board. The Respondent did not appear.

Whereupon, the Hearing Officer asked the Petitioner if it was ready to proceed. Petitioner's counsel stated that the Board was ready and, pursuant to K.S.A. 77-520, made an oral motion for a default judgment based on the Respondent's failure to appear. In support of the motion, the Petitioner stated and showed the following:

1. Respondent submitted an application to the Board for reinstatement of his license. After due consideration the Board denied the application by a Summary Order dated November 2, 1998 and which was served on Respondent on the same day. Thereafter Respondent filed a request for a hearing.

2. Notice of the hearing date and time was duly served upon the Respondent at the address Respondent gave to the Board on November 12 as his "current address."

3. No request for a continuance was ever made. Respondent did not appear at the hearing,

4. The findings and conclusions of in the Summary Order are correct and appropriate.

WHEREUPON, the Hearing Officer made the following findings of fact and conclusions of law:

1. Respondent was given proper notice as required by law.

2. Respondent failed to appear and was in default.

3. The findings of fact, conclusions of law and the decision of the Summary Order are true, accurate, appropriate, and are hereby affirmed.

5. The Board's motion should be and is hereby granted and the Summary Order denying Respondent's application for reinstatement is affirmed.

6. The Respondent's request for a review is denied.

IT IS THEREFORE ORDERED that the Summary Order denying Respondent's application for reinstatement is affirmed and upheld in all respects.. Respondent's request for a review is denied. Respondent may not practice nursing in the state of Kansas, nor not hold himself out as, or represent himself to be, a nurse in the State of Kansas. Costs of the action in the sum of \$35.00 are hereby taxed

to Respondent to be paid to the Board by cash, or money order, within 30 days of the effective date of this Order.

IT IS SO ORDERED.

Dated this 7th day of January 1999.



Terry E. Beck
Hearing Officer

PREPARED AND SUBMITTED BY:



Rex G. Beasley
Disciplinary Counsel

NOTICE REGARDING THIS PROPOSED DEFAULT ORDER

This is a Proposed Default Order. The party against whom it is issued may file a written motion within seven (7) days after service, requesting that the Proposed Default Order be vacated and stating the grounds relied upon. Unless a written motion to vacate is filed, the Proposed Default Order shall become effective after expiration of the time Stated above. If a motion to vacate a Proposed Default Order is timely filed, the Presiding Officer shall either vacate the Proposed Order or issue the Default Order as proposed. If the Hearing Officer issues a Default Order as proposed, the Order shall become effective upon service.

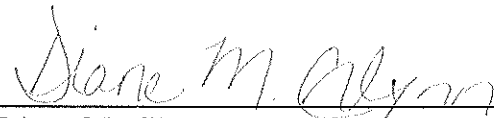
CERTIFICATE OF SERVICE

This is to certify that on the 8th day of January, 1999, I deposited a true and correct copy of the Proposed Default Order in the United States Mail, first class mail, postage prepaid to the following:

Mark Barrager
20808 N 27th Avenue Apt 1178
Phoenix, Arizona 85027

and by hand delivery to:

Rex G. Beasley
Assistant Attorney General
Kansas State Board of Nursing
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230
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Diane M. Glynn, J.D., R.N.
Practice Specialist