

## BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF

Case No. 04 004 8

09 004 7

George A. Sympson  
License No. 23 021936 081

OAH No. 09BN0092

**INITIAL ORDER**

Now on this 22<sup>nd</sup> day of June 2009, 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 (Board), appears through Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, George A. Sympson, appears in person.

Findings of Fact

1. On January 6, 2009, the Board received an application for reinstatement of the Respondent's license to practice nursing in the State of Kansas.
2. The Respondent was convicted of selling illegal drugs in 1979. In June 2005, the Respondent's license to practice nursing in the State of Kansas was revoked after a default order was issued.
3. The factual bases for the June 2005 revocation include: the Respondent exhibited erratic behaviors at work; the Respondent tested positive for marijuana and amphetamines; the Respondent had a pattern of no documentation when administering drugs and there were medical records missing. The Respondent was terminated from employment for testing positive for marijuana and amphetamines.

Conclusions of Law

1. The Board may deny, revoke, limit, or suspend any license to practice nursing in the State of Kansas. Kansas Statutes Annotated (K.S.A.) 65-1120.
2. The Board has adopted the guidelines found in Kansas State Board of Healing Arts, 248 Kan. 585 (1991). Per *Vakas*, factors to be considered in determining whether a license should be reinstated after a disciplinary finding are as follows:
  - The present moral fitness of the petitioner;
  - The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
  - The extent of petitioner's rehabilitation;
  - The nature and seriousness of the original misconduct;

- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.

#### Conclusion

1. The Respondent has failed to address any of the rehabilitation elements as addressed in *Vakas*. The Respondent has failed to show that he is suitably rehabilitated to practice nursing in the State of Kansas. The Board's denial of the Respondent's reinstatement application is affirmed.
2. The cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

#### Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. 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: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

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.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

#### OFFICE OF ADMINISTRATIVE HEARINGS

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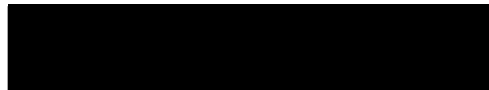
Sandra L. Sharon  
Presiding Officer  
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On July 17, 2009, I mailed a copy of this document to:

George A. Sympson  
Dwight D. Eisenhower Medical Center  
4101 S. 4<sup>th</sup> St. Trafficway  
Leavenworth, KS 66048-9951

Mary Blubaugh, Executive Director  
Alma A. Heckler, Assistant Attorney General  
Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612



Staff ~~Person~~ D  
Office of Administrative Hearings