

May 11<sup>th</sup>, 2008

Dennis M. Pray  
4715 Brewer Place  
Leavenworth, KS 66048

Case No. 08-015-5  
License No. 23-024130-032

**SUMMARY ORDER**

Dear Ms. Pray:

The Investigative Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a licensed practical nurse in Kansas is denied. This denial is based upon the following:

**FINDINGS OF FACT**

1. On or about 2/23/1989, Applicant was convicted of Aggravated Arson, a felony, in the District Court of Harvey County, Kansas, case number 88CR3939.

On or about 7/12/1989, Applicant was sentenced to a term of five to twenty years and committed to the custody of the Secretary of Corrections in case number 88CR3939.

On or about 9/13/1989, Applicant was placed on probation for a period of five years in case number 88CR3939.

On or about 1/20/1994, Applicant submitted an application to the KSBN to be licensed as a licensed practical nurse in the state of Kansas. Within the application Applicant revealed the felony conviction in case number 88CR3939.

On or about 4/22/1994, Applicant was released from probation in Harvey County case number 88CR3939.

On or about 7/7/1994, Applicant was license to practice nursing pursuant to an agreement in KSBN case number 94-0070-5. Applicant agreed to provide employer reports to the Board.

On or about 2/27/1996, Applicant was notified that processing of his renewal application was held due to Applicant having failed to adhere to the conditions of the 7/7/1994 agreement.

On or about 10/24/1996, Applicant's license renewal application was processed pursuant to a second agreement in KSBN case number 94-0070-5.

On or about 9/1/2001 to 3/31/2003, Applicant was employed at the Derby Ambulatory Surgical Center, Derby, Kansas. On or about 3/12/2003 staff noticed the use of more Versed than usual. On or about 3/13/2003 the event log from the security company was checked and Applicant's code had been used to disarm and rearm the alarm on 2/28/2003 and 3/8/2003. On or about 3/24/2003, Derby Ambulatory Surgical Center staff notice the narcotic safe was missing.

[REDACTED]

On or about 4/8/03 Applicant was indicted on crimes arising out of the incidents taking place at Derby Ambulatory Surgical Center.

On or about 6/16/2003, Applicant was convicted of Tampering With Consumer Products, a felony, in the United States District Court, District of Kansas, case number 6:03CR10062-001. Applicant admitted that during February and March of 2003 he removed Demerol from the ampoules in which the Demerol was kept and refilled the ampoules with a saline solution. Applicant replaced the Demerol with saline solution knowing that the Demerol was intended for use as an anesthetic for surgical procedures being performed at the Surgical Unit. Applicant also admitted to substituting saline solution for Demerol in "pre-drawn" syringes, which were to be used during surgical procedures at the Clinic.

On or about 9/29/2003, Applicant was sentenced in case number 6:03CR10062-001 to 63 months in prison followed by 3 years of supervised probation.

On or about 10/28/2003, a petition was filed in KSBN case number 03-171-5 based on the incidents taking place at Derby Ambulatory Surgical Center and Applicant's conviction in case number 6:03CR10062-001. On or about 11/12/2003, Applicant's license to practice nursing in the state of Kansas was revoked. In KSBN case number 03-171-5, Applicant was found to have violated the following section of the Kansas Nurse Practice Act:

K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct, by diverting drugs of an agency (K.A.R. 60-3-110(n));

K.S.A. 65-1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient, K.A.R. 60-3-110(d);

K.S.A. 65-1120(a)(6), unprofessional conduct by physical abuse, which shall be defined as any act or failure to act performed intentionally or carelessly that causes or is likely to cause harm to a patient. This term may include any of the following: (4) failure or omission to provide any goods or services that are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm. K.A.R. 60-3-110(e).

On or about 1/7/2008, KSBN received Applicant's application for reinstatement of his license to practice nursing in the state of Kansas. Applicant continues to be on supervised probation in case number 6:03CR10062-001.

## CONCLUSIONS OF LAW

2. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

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 without establishing sufficient rehabilitation.

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

K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

3. Per *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991), the factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made are the following:

- 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.

4. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application in whole or in part.

5. Your conduct described herein violates the Kansas Nurse Practice Act.

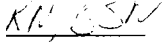
6. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

7. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

8. Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to:

Kansas State Board of Nursing  
Legal Division  
900 SW Jackson, Suite 1051  
Topeka, Kansas 66612-1230  
(785) 296-4325

THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

  
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Tamara Hutchison, RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 17<sup>th</sup> day of May, 2008, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Dennis M. Pray  
4715 Brewer Place  
Leavenworth, KS 66048

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Mark A. Knight, #12183  
Assistant Attorney General