

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

Filed
APR 02 2003
Board of Nursing

IN THE MATTER OF
MARK WELCH
LICENSE NO. 23-027137-092

CASE NO. 00-315-5

DEFAULT ORDER REVOKING LICENSE

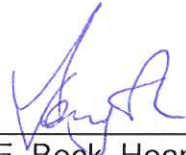
NOW ON THIS 2nd day of April, 2003, petitioner appears by disciplinary counsel, Alma Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent is licensed through 9/30/2004 as an L.P.N. The Board 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. Respondent violated K.S.A. 65-1120(a)(4), unable to practice with skill and safety due to current abuse of drugs or alcohol;
Respondent violated K.A.R. 60-3-110(r) failing to comply with any disciplinary order of the Board;
Respondent violated K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the Board.
6. Costs of the action of \$70.00 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. Respondent shall forward original Kansas L.P.N. license no. 23-027137-092 immediately to the Kansas State Board of Nursing.
8. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

IT IS SO ORDERED.



Terry E. Beck, Hearing Officer

NOTICE

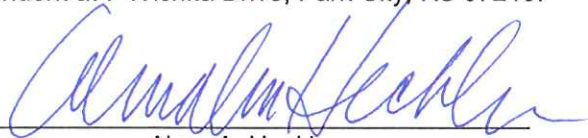
This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within ten days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.



Alma A. Heckler
Assistant Attorney General
900 S.W. Jackson, Suite 1051
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 2nd day of April, 2003, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to respondent at 7 Wichita Drive, Park City, KS 67219.



Alma A. Heckler

Filed

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

MAR 11 2003
Board of Nursing

IN THE MATTER OF
MARK WAYNE WELCH
LICENSE NO. 23-027137-092

CASE NO. 00-315-5

PETITION

COMES NOW the petitioner, the Board of Nursing, by and through disciplinary counsel for the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent is a Licensed Practical Nurse in Kansas through 9/30/04.
2. Respondent's address of record is 7 Wichita Drive, Park City, Kansas, 67219, but the Kansas Nurses Assistance Program (KNAP) has his address listed as 15500 E. 85th N., Benton, Kansas 67107.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act 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 respondent was referred to the Kansas Nurses Assistance Program (KNAP) by his employer in May of 2000. His personnel file showed that he had been hired in December of 1999. He was given a formal warning in March of 2000, regarding his lack of organizational skills. The concern about his disorganization was still present on his April, 2000 performance evaluation. His employer directed him on May 23, 2000, to

enroll in KNAP for treatment of his illegal street drug usage and to comply with all KNAP requirements so that he could maintain his employment. The respondent's random UDS in June of 2000 was positive for marijuana and cocaine. He was suspended for two days and given an opportunity to maintain KNAP compliance or be terminated. He failed to work a scheduled work day (8/12/00) and received a written notice. He was terminated on 10/5/00 for failing another random UDS on 9/21/00.

6. The respondent admitted to the investigator that he self referred to KNAP on 5/17/00 because he had overdosed on Ultram and Flexeril on 5/12/00. He received inpatient treatment and was going to participate in outpatient care upon his discharge. He reported he had a history of drug abuse in the form of methamphetamines, cocaine, and marijuana in addition to the Ultram and Flexeril. The respondent completed a chemical dependency intensive outpatient treatment program. He started the program on 5/22/00 and ended it on 8/3/00. Aftercare included two 12 step meetings and group meetings weekly. He signed KNAP's contract on 6/8/00. The KNAP monthly Monitoring Meeting group leader noted that on 6/20/00 the respondent was falling asleep during the meetings and his color was not good. A UDS was done and came up positive for THC and Cocaine. The respondent denied any drug use, but finally admitted he had used on Father's day of 2000. The respondent relapsed on 9/21/00 and again on 10/18/00. He continued in KNAP, but was required to complete additional treatment.
7. The respondent signed a Diversion Agreement with the Board on July 18, 2001 and agreed to complete all of the recommendations of KNAP. KNAP records indicate that the respondent failed to complete random drug screens for the months of July, September and October of 2002. KNAP notified the Board that the respondent relapsed on 12/19/02 and used cocaine and alcohol. He was re-referred to treatment, but failed to complete the process to enter the program. KNAP requested that the respondent suspend practice. KNAP closed the respondent's case on 1/30/03

COUNTS

Count 1: Respondent violated K.S.A. 65-1120(a)(4), unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 2: Respondent violated K.A.R. 60-3-110(r) failing to comply with any disciplinary order of the Board;


Count 2: Respondent 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 respondent violated the nurse practice act, for revocation of respondent's license, and for the \$70.00 costs of this action to be assessed to respondent.

Respectfully submitted,

Phill Kline
Attorney General

By: _____


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