

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

FILED
OCT 05 2016
KSBN

IN THE MATTER OF
KELLY JOE BOLDRIDGE

OAH No. 17BN0003

License No. 23-31281-061
Case No. 13-2161-9

NOTICE OF PROPOSED DEFAULT ORDER
AND
PROPOSED DEFAULT ORDER

This matter comes on for prehearing before the Kansas State Board of Nursing (Board/Petitioner). Pursuant to K.S.A. 77-514, Sandra L. Sharon was appointed Administrative Law Judge (ALJ)/Presiding Officer. The Board appears through Bryce D. Benedict, Disiplinary Counsel for the Board. The respondent, Kelly Joe Boldridge, failed to appear. In consideration of this matter, a Proposed Default Order is entered against respondent.

The presiding ALJ finds as follows:

1. The respondent is licensed to practice nursing in the State of Kansas.
2. The Petitioner, the Kansas State Board of Nursing Board, has jurisdiction over the respondent and the subject matter of this action.
3. On July 21, 2016, a Petition was filed by the Board seeking revocation of the respondent's nursing license. It was sent to Ms Bboldridge at her last known address and was not returned as undeliverable.
4. July 22, 2016, a Notice of Prehearing Conference was sent to the respondent. The conference was scheduled for September 27, 2016 at 9:00 a.m. The notice was not returned as undeliverable.
5. On September 27, 2016, a prehearing conference was convened. The Board appeared by disciplinary counsel, Bryce D. Benedict. The respondent did not appear in person or by phone.
6. Pursuant to Kansas Statutes Annotated (K.S.A.) 77-520(a), "[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order."

7. The respondent is in default pursuant to K.S.A. 77-520.
8. This Proposed Default Order shall become effective and deemed an initial order, seven days after service or ten days after mailing of this order unless the respondent files a written motion stating why the Proposed Default Order should be vacated and the order is then vacated. A motion to vacate shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka KS 66612-1230, with a copy to be mailed or personally delivered to: Sandra L. Sharon, Administrative Law Judge, Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, KS 66612-1327.
9. If this Proposed Default Order becomes effective, the allegations contained in the Petition will be deemed uncontroverted and the Petition will be granted and incorporated into this order as if fully set forth herein. The respondent's license to practice nursing will be revoked. The respondent will immediately forward his or her original Kansas nursing license to the Board.
10. In addition, costs of the action in the amount of \$100.00 will be assessed to the respondent to be paid to the Board by cashier's check or money order within 30 days of the effective date of this order.

The presiding ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the respondent. It shall take effect as specified in the above findings.

IT IS SO ORDERED.

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-520, if the proposed default order becomes effective, it is deemed an initial order, as set forth above. Pursuant to K.S.A. 77-527, either party may request review of the initial order by filing a petition for review with the Kansas State Board of Nursing within 15 days from date the order is deemed an initial order. Failure to timely request review may preclude further judicial review. Petitions for review shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka, KS 66612-1230.

If neither party requests review, the initial order becomes a final order and is binding on the 30th day following its mailing.

A party may seek judicial review of a final order by filing a petition for judicial review pursuant to K.S.A. 77-601, *et seq.* Reconsideration of a final order is not a prerequisite to judicial review. A copy of any petition for judicial review shall be served on Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.



Sandra L. Sharon
Administrative Law Judge
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612-1327

CERTIFICATE OF SERVICE

On September 28, 2016, I mailed this original document through State Building Mail to:

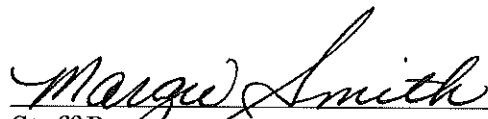
Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Bryce D. Benedict
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

And a copy of this document through first class mail to:

Kelly Joe Boldridge
1103 N. 4th Street
Atchison, KS 66002



Staff Person
Office of Administrative Hearings

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
KELLY JOE BOLDRIDGE**

OAH no. _____

License No. 23-31281-061

Case No. 13-2161-9

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Bryce D. Benedict, and for its cause of action states that:

1. Respondent, Kelly Joe Boldridge, is licensed to practice nursing in the State of Kansas. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1103 North 4th Street, Atchison KS 66002.
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) Licensee signed an extended evaluation agreement with KNAP after licensee had a positive drug screen at work for methamphetamine and amphetamine on September 10, 2013.

- (b) Licensee had a positive UDS for Oxycodone on November 2, 2014 while in KNAP. This was treated as a relapse and the licensee's contract with KNAP was extended to November 3, 2017.
- (c) In August 2015, after 4 dilute UDS had been provided, a blood screen was obtained which was positive for alcohol. Licensee admitted to drinking alcohol in violation of the terms of the KNAP contract. This was treated as a relapse and the KNAP contract was extended to July 7, 2018.
- (d) On January 27, 2016 the licensee had a positive UDS for oxazepam.
- (e) The licensee's participation in KNAP was terminated on February 5, 2016 as a result of her third non-compliance.

VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to complete the requirements of the impaired provider program of the Board.

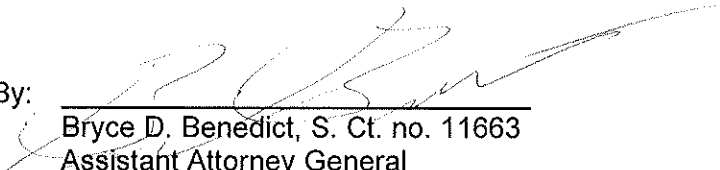
Count 2: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that licensee's nursing license in the state of Kansas be revoked and the Costs of this action be assessed to the respondent.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:


Bryce D. Benedict, S. Ct. no. 11663
Assistant Attorney General
Kansas State Board of Nursing
900 SW Jackson #1051
Topeka, KS 66612
(785) 296-4325
bryce.benedict@ksbn.state.ks.us

CERTIFICATE OF SERVICE

The undersigned certifies that he caused a copy of the above to be placed in the United States

Mail, postage prepaid, on the 2/5th day of July, 2016, addressed to:

Kelly Boldridge
1103 North 4th Street
Atchison KS 66002


Bryce D. Benedict