

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

JUN 09 2014

**IN THE MATTER OF**

**ADAM MILLER**

**License No. 23-34167-082 (Reinstatement)**

KSBN

**Case No. 11-587-9**

**SUMMARY ORDER**

Now this 9<sup>th</sup> day of June, 2014, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the Licensed Practical Nurse (LPN) Reinstatement Application of Adam Miller, (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. (a) Applicant let his LPN nursing license lapse on or about 8/31/2012. He filed a reinstatement application on or about April 28, 2014. The Board has jurisdiction over the applicant and the subject matter of this action.

(b) Applicant's address of record is 909 N. 9<sup>th</sup> Street, Marysville, Kansas 66508.

(c) At the time applicant let his license lapse on 8/31/2012, an the investigation in this case by the board was pending. He had enrolled in the Kansas Nurse Assistance Program (KNAP) on or about November 12, 2010 because his employer requested a urine screen after he appeared to be under the influence. He fell asleep while completing medical records. He tested positive for opiates. He did not have a prescription but said the drugs were his father's.

(d) Applicant's KNAP case was closed unsuccessfully on 3/29/2011. His employment with Blue Valley Health Care in Marysville, Kansas was terminated on 2/7/2011.

(e) Applicant reports that he let his license lapse so that he could clean up his act.

(f) The board reviewed his reinstatement application and his unsuccessful closure of his KNAP case and referred him back to KNAP to enroll in the program. His reinstatement application would not be granted until he enrolled in KNAP.

(g) The applicant was referred back to KNAP but he failed to enroll and his KNAP case was closed on 5/20/2014.

(h) Applicant failed to report on his reinstatement application that at the time his license lapsed in Kansas, this investigative case was pending against his license. A letter regarding the investigation was sent to his address of record on or about August 11, 2011.

(h) The Kansas Board requests that the applicant's application for reinstatement be denied.

## 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:

(a) K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

(b) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 60-3-110(s);

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

3. Applicant's conduct described herein violates the Kansas Nurse Practice Act.

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 if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

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

### **IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**


**1. Applicant's application to reinstate is denied.**

**2. Applicant shall not practice nursing in the state of Kansas.**

**4. Applicant shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective date of this Order.**

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, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.


Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

  
Judith Hiner RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 9<sup>th</sup> day of April, 2014, 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:

Adam Miller  
909 N. 9<sup>th</sup> Street  
Marysville, Kansas 66508

  
Alma A. Heckler, #11555  
Assistant Attorney General