

BEFORE THE KANSAS STATE BOARD OF NURSING

FILED

DEC 04 2013

KSBN

IN THE MATTER OF  
BRETT D. BULLOCK  
License No. 23-39397-061

Case No. 12-1806-8 & 12-1972-5

OAH No. 14BN0005

**INITIAL ORDER**

Now on this 12<sup>th</sup> day of November 2013, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing (Board/Petitioner). Sandra L. Sharon was duly appointed Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Brett D. Bullock, appears in person.

Findings of Fact

1. The respondent was referred to the Kansas Nurse Assistance Program (KNAP) by an employer for suspicion of drug diversion.
2. The respondent underwent an evaluation where it was determined he abused alcohol, Oxycodone, and had mental health issues.
3. On October 1, 2012, KNAP mailed a Statement of Understanding for the respondent to participate in its monitoring program. The respondent did not return the Statement of Understanding to KNAP and his case was closed for noncompliance on November 6, 2012.
4. During a conversation with Karen Peschka, Board Investigator, the respondent denied he had drug, alcohol, or mental health issues which would interfere with his ability to be a nurse.
5. The respondent's denial of drug, alcohol and emotional problems is not consistent with the result of the evaluation he received in September 2012.

Applicable Law

1. It is a violation of the Kansas Nurse Practice Act to be unable to practice nursing with skill and safety due to current abuse of drugs or alcohol. K.S.A. 65-1120(a)(4).
2. It is a violation of the Kansas Nurse Practice Act to have committed unprofessional conduct by failing to complete the requirements of the impaired provider program of the Board. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(s).

### Discussion

1. As reflected by the respondent's employer's referral to KNAP and his evaluation performed September 2012, it cannot be demonstrated that the respondent is able to practice nursing with skill and safety due to current abuse of drugs or alcohol. This is a violation of the Kansas Nurse Practice Act at K.S.A. 65-1120(a)(4).
2. Further, the respondent has failed to participate and complete the requirements of the impaired provider program of the Board. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(s).

### Conclusion

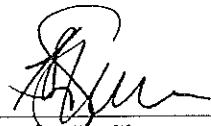
1. The petitioner has shown by a preponderance of the evidence the respondent has violated the Kansas Nurse Practice Act. The Board's petition to revoke the respondent's license to practice nursing in the State of Kansas is affirmed.
2. Cost of this action shall be assessed against the respondent in 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, 900 SW Jackson, Suite 1051, 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.



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Sandra L. Sharon  
Administrative Law Judge/Presiding Officer  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, KS 66612  
Telephone: 785-296-2433

CERTIFICATE OF SERVICE

On Dec. 2, 2013, I mailed this original document through State Building  
Mail to:

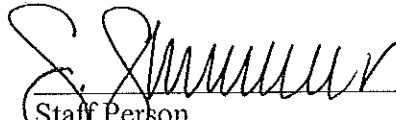
Mary Blubaugh  
Executive Administrator  
Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-4325

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

Alma Heckler  
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:

Brett D. Bullock  
31069 S. Adams Rd.  
Melvern, KS 66510

  
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Staff Person  
Office of Administrative Hearings