

November 19, 2007

Joseph J. Forkl
P. O. Box 2784
Tucson, Arizona 85702

License No. 24-030991-052

SUMMARY ORDER

Dear Mr. Forkl:

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. (a) Respondent submitted an application to the Board for reinstatement as a licensed practical nurse in the State of Kansas on 3/27/2007.

(b) Respondent previously filed a reinstatement application on June 1, 2006 but paid the fees with a bad check. The Board filed a disciplinary petition in Case No. 06-525-4, to collect the licensing and bad check fees. The respondent failed to respond and his license was revoked on 11/8/06. The case was reopened when the respondent filed a reinstatement application with a check for \$165.00. The respondent intended for the check to cover both the reinstatement fees and the bad check and collection fees. Unfortunately the fees due and owing in Case No. 06-525-4 are \$160.00. The fees assessed for a reinstatement with a temporary permit are \$75.00. Therefore, the amount owed by the respondent is a total of \$235.00.

(c) Respondent has two other discipline cases (04-703-5 and 06-125-5) that the Board has directed to be paired with the case described above and five months of unlicensed practice.

(d) In Case No. 04-703-5, the respondent while working at Lakewood Heights in Wichita, Kansas failed to document his assessment of a resident's shoulder injury, a fractured clavicle, which occurred when the respondent and staff were transferring the patient to his bed. The respondent failed to report the injury to the resident's doctor, wife or administration. After an investigation by the facility, the respondent was terminated on 8/17/04. Respondent failed to disclose the reasons for his termination from Lakewood on his subsequent applications and reinstatement applications to the Board.

(e) In Case No. 06-125-5, the respondent was employed by Infinia in Wichita, Kansas from 2/19/05 to 11/21/05. While employed there he failed to appropriately document he gave medications to be administered at bedtime during the evening meal. He documented the medications as administered at bedtime. The respondent also failed to disclose on his employment application, the reasons for his termination from Lakewood Heights.

(f) The respondent was employed at Lakewood Senior Living in Pratt, Kansas from 12/23/05 to 3/15/07 but respondent's license was revoked on 11/8/06. He was terminated because he failed to show up for work and the facility reviewed his license status on line and found that he had been working without a license since November of 2006. He had five months of unlicensed practice. Additionally, the respondent failed to disclose on his reinstatement application submitted to the Board on March 27, 2007, respondent was employed at Lakewood Senior Living through 3/15/07. Respondent stated he was employed through 11/06 and left his employment because he moved to Arizona.

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:

Count 1: 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.

Count 2: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(1), one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board.

Count 3: 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.

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

Count 5: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

Count 6: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(v), practicing without a license or while the license has lapsed.

3. 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.

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

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

6. 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.

7. 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.



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

CERTIFICATE OF SERVICE

I certify that on the 20th day of November, 2007, 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:

Joseph J. Forkl
416 S. Ninnescah Apt #2
Pratt, Kansas 67124


Alma A. Heckler, #11555
Assistant Attorney General