

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

FILED

NOV 14 2013

IN THE MATTER OF
ANDREW P. NOVAL
License No. 24-37173-032

KSBN

Case No: 13-555-0

SUMMARY ORDER TO REVOKE

Now this 14th day of November, 2013, 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 license of Andrew P. Noval, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. a. Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 3/31/2014. The Board has jurisdiction over the Licensee and the subject matter of this action.
- b. Licensee's address of record is 6451 NE 43rd Terrace #102, Kansas City, Missouri 64117.
- c. Licensee was licensed to practice nursing in the state of Missouri. On or about May 10, 2012, the Missouri Board of Nursing filed a complaint to seek discipline of the Licensee's Missouri nursing license, Case No. 2009-006946, AHC 12-0073 BN. Licensee failed to respond after he was sent notice of the action. He was found to be in default on September 11, 2012. The Missouri Board set another hearing on March 5, 2013 to determine if any discipline should be imposed on the Licensee. Licensee was given notice of the hearing. Licensee again failed to appear. On March 19, 2013 the Licensee's Missouri nursing license was revoked.
- d. Licensee was disciplined in Missouri due to violations of the Nursing Act to include gross negligence and/or incompetence and a violation of professional trust and confidence. In 2009, Licensee failed to follow policy and procedure after a patient fell. Patient died on the same day as the fall.
- e. Licensee's Missouri license was also suspended on 10/14/2010, due to his failure to pay taxes.
- f. Licensee has a duty to report any discipline of his license to the Board of Kansas, while he holds a license in Kansas. Licensee has been licensed in Kansas since 2008. Licensee failed to report the discipline. Licensee failed to respond to efforts of the Kansas Board to notify him of the investigation in the above captioned case.

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)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country...;

(b) 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;

(c) K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (e)(1) of K.S.A. 65-1120; Incompetency is defined as one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence...;

3. Licensee'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. Licensee's license is revoked.

2. Licensee shall not practice nursing in the state of Kansas.

3. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day 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 14th day of November 2013, 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:

Andrew P. Noval
6451 NE 43rd Terrace, #102
Kansas City, Missouri 64117


Alma A. Heckler, #11555
Assistant Attorney General