

**BEFORE THE KANSAS STATE BOARD OF NURSING**

Landon State Office Building, 900 S.W. Jackson #1051

Topeka, Kansas 66612-1230

**FILED**

**JUL 28 2016**

**KSBN**

**IN THE MATTER OF  
NYAGAH KARIUKI MUHORO**

**OAH No. 16BN0027**

**License No. 24-41720-041**

**Case No. 15-534-0**

**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, Nyagah Kariuki Muhoro, 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 Kansas through April 2017.
2. The Petitioner, the Kansas State Board of Nursing Board, has jurisdiction over the respondent and the subject matter of this action.
3. On August 5, 2015, a Petition was filed by the Board seeking revocation of the respondent's nursing license. It was sent to the respondent's last known address.
4. On May 4, 2016, a Notice of Prehearing Conference was sent to the respondent. The conference was scheduled for July 26, 2016 at 9:00 a.m. The Notice was sent to the respondent's last known address.
5. On July 26, 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.



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

CERTIFICATE OF SERVICE

On July 27, 2016, I mailed this original document through State Building Mail to:

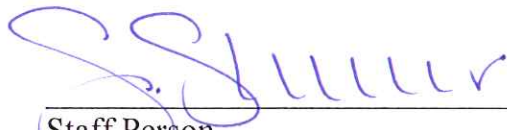
Mary Blubaugh  
Executive Administrator  
Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-4325

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:

Nyagah Kariuki Muhoro  
16612 W 141<sup>st</sup>  
Olathe, KS 66062



Staff Person

Office of Administrative Hearings



**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

AUG 05 2015

KSBN

**IN THE MATTER OF NYAGAH KARIUKI MUHORO**

**License No. 24-41720-041**

**Case No. 15-534-0**

**PETITION**

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

1. Respondent, Nyagah Kariuki Muhoro, is licensed to practice nursing in Kansas through April, 2017. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 8800 Newton Avenue #3807 Kansas City MO 64138.
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) It is alleged that licensee failed to report a Missouri Board of Nursing disciplinary action of 2014.

- (b) Licensee had previously been notified by KSBN that licensee was required to report this disciplinary action on all future renewals.
- (c) Further notified that failure to do so or to correctly answer the legal question will result in a new case being opened up against licensee for fraud/deceit.
- (d) Licensee submitted a on-line renewal application and licensee answered "no" to the question "has any license, certification or registration (nursing or other) ever been denied, revoked, suspended limited or disciplinary action taken by a licensing authority of any state, agency of the US government, territory of the UR or country?"
- (e) Licensee was contacted by KSBN and he failed to respond.

#### VIOLATIONS

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

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

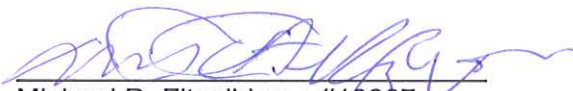
Count 3: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$100.00.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By:



Michael R. Fitzgibbons #12287  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612