

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

MAR 11 2014

**IN THE MATTER OF  
ROBERT A. BLACKFORD  
License No. LMHT 33-3580-101**

KSBN

Case No. 12-2035-4

**SUMMARY ORDER**

Now this 11<sup>th</sup> day of March, 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 renewal application of Robert A. Blackford, Licensed Mental Health Technician (LMHT), by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Applicant submitted a renewal application to practice as Licensed Mental Health Technician (LMHT) in the state of Kansas. The Board has jurisdiction over the renewing licensee and the subject matter of this action.
2. Applicant's address of record is 1069 HWY K19 S., Larned, Kansas 67550.
3. Review of the licensee's renewal application and other information gathered by the Board revealed the following information upon which this action is based.
4. On or about 11/14/2012, the Board received licensee's renewal application to practice as an LMHT in the state of Kansas. Licensee answered "no" to the question about whether or not he had obtained the 30 continuing education hours required for renewal by K.S.A. 65-4205(a) and K.A.R. 60-12-106(b).
5. Licensee is not a first time renewal expiring within 30 months following licensure examination or a renewal expiring within 9 months of reinstatement or endorsement, either of which would be an exception to the requirement for continuing education.
6. Licensee continued with the process and submitted the renewal application despite the written instructions telling the licensee that the process should not be completed if the 30 hours of continuing education was not obtained.
7. Licensee was given the opportunity to provide proof of completion of thirty (30) hours of continuing education for renewal.
8. Licensee upon request has not submitted proof of the required 30 hours of continuing education allegedly obtained between the dates of 12/31/2010 and 11/14/2012, the licensee's prior licensing period, in order to qualify for renewal of the LMHT license.

### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-4205(a) and K.A.R. 60-12-106(b) each applicant for renewal of a Kansas LHMT license shall submit proof of completion of 30 hours of CNE obtained within the prior licensing period.

2. Pursuant to K.S.A. 65-4209(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice as an LMHT 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/Licensed Mental Health Technician Practice Statutes. The above fact findings establish evidence that the applicant violated the following provisions of the Act:

(a) K.S.A. 65-4209(a)(5), to be guilty of unprofessional conduct as defined by rules and regulations of the Board, KAR 60-7-106(b) assuming duties and responsibilities within the practice of nursing without making or obtaining adequate preparation or maintaining competency.

(b) K.S.A. 65-4209(a)(8) wilfully violating any of the provisions of the Kansas Nurse Practice Act and K.S.A. 65-4205(a) and K.A.R. 60-12-106(b) every licensee with an active LMHT license shall submit with the renewal application evidence of satisfactory completion of a program of continuing education as required by the Board which is 30 hours of continuing education obtained within the prior licensing period.

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act/Licensed Mental Health Technician Practice Statutes and renders the licensee non-qualified for the renewal license obtained.

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 and 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.

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

### POLICY STATEMENT

1. Continuing Education is a mandate by the state legislature and is intended to build upon the educational and experiential bases of the nurse for the enhancement of practice, education, administration, and research or theory development to the end of improving the health of the public.


2. Truthfulness is a hallmark of the nursing and licensed mental health technician professions and is required to ensure accurate communication of all nursing actions.

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

**1. Licensee's renewal application to practice as an LMHT in the state of Kansas is revoked.**

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.

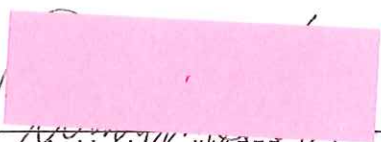
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

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

CERTIFICATE OF SERVICE

I certify that on the 11<sup>th</sup> day of March, 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:

Robert A. Blackford  
1069 HWY K19 S.  
Larned, Kansas 67550

  
Alma A. Heckler, #11555  
Assistant Attorney General