

**FILED**

**MAY 14 2007**

**KSBN**

May 14, 2007

Edward L. DeVilbiss  
5100 Foxridge Drive Apt.1812  
Mission, KS 66202

Case No. 07-356-0  
License No. Applicant

**SUMMARY ORDER**

Dear Mr. DeVilbiss:

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 endorsement application to practice nursing as a registered nurse in Kansas is denied. This denial is based upon the following:

**FINDINGS OF FACT**

1. (a) On or about 1/5/2006, the Missouri State Board of Nursing (MSBN) entered a disciplinary order regarding Applicant's Missouri nursing license. The result of the order was that Applicant's Missouri nursing license was placed on probation with conditions, for a period of five years. The factual basis for the Missouri discipline was Applicant's addiction to methamphetamine.

(b) On or about 9/14/2006, the MSBN entered a second disciplinary order regarding Applicant's Missouri nursing license. The result of the order was that Applicant's Missouri nursing license was suspended for a period of one month. The factual basis for the Missouri discipline was Applicant submitted a urine sample on or about 3/16/2006 that tested positive for cocaine. Applicant's Missouri nursing license continues to be in a probationary status.

(c) On or about 4/18/2007, Respondent submitted an application to the Board for endorsement as a registered nurse in the State of Kansas.

**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:

(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 or to have other disciplinary action taken against the applicant or licensee 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)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

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

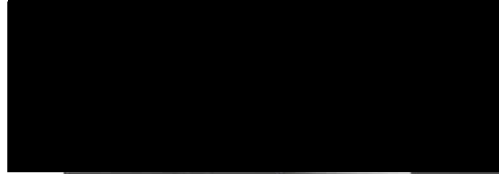
THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

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

CERTIFICATE OF SERVICE

I certify that on the 14<sup>th</sup> day of May, 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:

Edward L. DeVilbiss  
5100 Foxridge Drive Apt. 1812  
Mission, KS 66202



Mark A. Knight / #12183  
Assistant Attorney General