

# Kansas State Board of Nurs. 8

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Board of Nursing

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785-296-4325

Martin Allison  
5131 East Boston  
Wichita, KS 67218

## SUMMARY ORDER

Dear Mr. Allison:

The Investigative Committee of the Kansas State Board of Nursing has reviewed your application materials and on behalf of the Board members I am denying your application to practice nursing as a practical nurse (L.P.N.) in Kansas. This denial is based upon the following:

### FINDINGS OF FACT

1. Respondent has submitted an application for licensure as a licensed practical nurse on 6/10/2003.
2. The application question #17 was answered yes by respondent as having convictions.
3. Court documents for the convictions were received by 10/6/2003 and they are as follows:

**Case #CM96-40** District Court of Beckham County, Oklahoma: convicted 4/30/96 of DUI, driving on a suspended driver's license and transporting an open container of beer His driver's license suspension was lifted 8/19/03.

Wichita Municipal Court, traffic offenses: a description is provided of only impairment violations:

**Case #00-C15570**

**Case #00-C55041**

**Case #00-C123220** convicted of DUI and no driver's license in possession

KBI criminal history inquiry on 8/8/03 revealed the following:

**Case #82CR2009** Sedgwick County: 3/2/88, convicted of possession of hallucinogenic;

**Case #89CR1131** Sedgwick County: criminal use of a financial card. On 10/13/89, he was placed on a Diversion for a year, which was successfully completed 10/13/90.

**Case #97TR01343** Sedgwick County: 8/20/97 convicted for DUI.

Mr. Allison's Kansas driver's record indicated his driver's license was suspended six times from 1998 to 2001: 1/16/01 for refusal to submit to breathalyzer, and 4/12/01 as a habitual violator---Driver's license was revoked for three (3) years.

4. **Treatment records**, he has had three treatment programs:

He had to complete the Wichita Intervention Program and was remanded to ComCare.

Discharge Summary from ComCare, dated 2/12/98 indicated successful completion.

Letter from the Parallax Program, a Licensed Drug/Alcohol Abuse Treatment, received 8/7/03, indicated he entered an treatment program 7/12/02 and successfully completed the program 8/9/02. Letter on 9/5/03 from his probation officer of the Wichita Municipal Court stating that Mr. Allison was placed on probation 7/10/01 and successfully completed it 3/5/03.

5. The Investigative Committee of the Board reviewed the application on 10/16/03 and decided to refer the applicant to KNAP for a drug/alcohol dependency evaluation, with subsequent monitoring if recommended to determine safety to practice nursing. The Board was notified on 12/3/03 that applicant did not complete the process with KNAP and his KNAP case was closed for noncompliance.

#### CONCLUSIONS OF LAW

6. K. S. A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found to be guilty of:

K.S.A. 65-1120(a)(2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust

K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

7. ~~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.~~
8. Your conduct described herein violates the Kansas Nurse Practice Act.
9. If the information provided is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.
10. 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.

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Kelly Arpin, L.P.N.  
Board Member

CERTIFICATE OF SERVICE

I certify that on the 10<sup>th</sup> day of March, 2004, 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:

Martin Allison  
5131 East Boston  
Wichita, KS 67218

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Betty Wright  
Assistant Attorney General

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