

DELAWARE BOARD OF NURSING

IN RE: KENNETH E. WEICHERT

Case No.: 11-39-14

LICENSE NO.: L1-0043265

**ORDER ACCEPTING COMPLAINT AND GRANTING
EMERGENCY TEMPORARY SUSPENSION**

AND NOW, this 28 day of April, 2014,

WHEREAS, the Delaware Department of Justice through the prosecuting Deputy Attorney General has filed with the Board of Nursing a written Complaint and Motion for Temporary Suspension; and,

WHEREAS, said Complaint and Motion allege, among other things, that the Respondent has engaged in activities which present a clear and immediate danger to the public health by purchasing heroin in a drug sale; possessing marijuana, heroin and a glass pipe and admitting that said drugs and pipe belonged to him; and being arrested and charged with misdemeanor Possession of a Controlled Substance, misdemeanor Possession of Marijuana and misdemeanor Possession of Drug Paraphernalia, crimes substantially related to the practice of nursing pursuant to Board Regulation 15.7; and

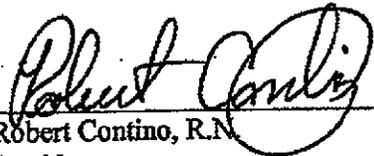
WHEREAS, the allegations if substantiated at a formal hearing constitute unprofessional conduct under provisions of the Nursing Practice Act, including but not limited to, 24 Del. C. § 1922(a)(3) and (8) and Board Regulation 10.4.1; and

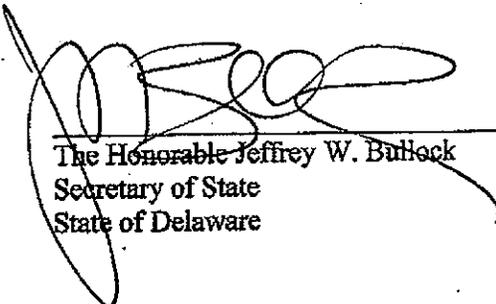
WHEREAS, Respondent and/or his legal counsel was given at least 24 hours' written or oral notice so that he or his counsel could file a written response in opposition to entry of an Order of Temporary Suspension together with a copy of the Complaint in compliance with 24 Del. C. § 1923(a); and Respondent did not file an Answer to the State's Complaint; and

WHEREAS, after reviewing the allegations in the State's Complaint *in toto*, said Complaint highlights the serious and criminal nature of Respondent's offenses. Further, the undersigned have an obligation to ensure the public health is protected. After due consideration of the Complaint and the Motion, the Secretary of State or his designee with the concurrence of the Board President or his designee have therefore determined that the available information is sufficient to support the entry of an Order temporarily suspending Respondent's license to practice nursing in the State of Delaware in that there is a reasonable belief that Respondent's continued practice presents a clear and immediate danger to the public health;

IT IS SO ORDERED this 28 day of April, 2014:

1. That the Motion for Emergency Suspension of Kenneth E. Weichert's license to practice nursing (License No.: L1-0043265) is granted;
2. That Kenneth E. Weichert shall be served with a copy of this Order as provided in 24 *Del. C.* § 1923(b) and notice shall be provided to all other agencies listed therein;
3. That Complaint No. 11-39-14 is accepted by the Board as the Formal Complaint and shall be assigned to a hearing officer to be scheduled in accordance with 24 *Del. C.* § 1923(d) and 29 *Del. C.* § 8735(v)(1)d to hear evidence related to the Formal Complaint; and
4. That pursuant to 24 *Del. C.* § 1923(c) Mr. Weichert may request an expedited hearing provided that the Board receives the request within 5 calendar days of the date Mr. Weichert is notified of this Order.


Robert Contino, R.N.
President
Board of Nursing


The Honorable Jeffrey W. Bullock
Secretary of State
State of Delaware