

Agency Mission: To assure the citizens of Kansas safe and competent practice by nurses and mental health technicians.

**Kansas State Board of Nursing
Investigative Committee Agenda
March 22, 2021**

NOTE: The meeting will be held via Zoom. Link to access meeting to follow agenda.

Time: 9:00 a.m. – Until Finished

Committee Members: Rebecca Sander, MSN, RN – Chair
Julianna Rieschick, RN, MSN, NEA-BC – V. Chair
Jade Ramsdell, BHS, COTA/L, Public Member

Staff: Linda Davies, BSN, RN, Practice Specialist
Victoria Bond, Administrative Specialist
Carol Moreland, MSN, RN, Executive Administrator

- I. Call to Order
- II. Review of On-Site packets
- III. Additions/Revisions to the agenda
- IV. Announcements
- V. Approval of minutes – December 7, 2020
- VI. Unfinished Business
 - a. Update on Reviewing the Kansas Nurse Practice Act by Rebecca Sander
 - b. Process Updates
 - c. Update on Record Retention Schedule for Investigative Files
- VII. New Business
 - a. 5 Year Legislative Review Schedule
 1. Professional and Practical Nurses
 2. K.A.R. 60-3-110
- VIII. Quasi-Judicial
- IX. Agenda for June 2021 Committee meeting
- X. Adjourn

Please Note: Additional items, which have come to the attention of the Board or Committee, will be handled as time permits. Agenda is subject to change based upon items to come before the Board. Handouts or copies of materials brought to the board or committees for discussion by committee members or visitors must be submitted to staff 30 calendar days prior to start of the meeting. Any items received after the 30th calendar day may be addressed at the meeting at the discretion of the President of the Board or chairperson of the committee.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81115837021?pwd=TrRKS0JBQStlYzFrUElCeGVddW8zZz09>

Passcode: KsbnINVCom

Or iPhone one-tap :

US: +16699006833,,81115837021#,,,,*3242901738# or +12532158782,,81115837021#,,,,*3242901738#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 811 1583 7021

Passcode: 3242901738

International numbers available: <https://us02web.zoom.us/j/81115837021?pwd=TrRKS0JBQStlYzFrUElCeGVddW8zZz09>

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Kansas Nurse Assistance Program

6405 Metcalf, Suite 502 ♥ Cloverleaf Bldg #3 ♥ Overland Park, Kansas 66202
voice (913) 236-7575 ♥ fax (913) 236-7779

February 23rd, 2021

Carol Moreland, Executive Director
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230

Dear Ms. Moreland:

Enclosed please find the results of the KNAP Quarterly Audit completed on February 19, 2021.

The audit of 20 KNAP participant files were completed by KNAP Board members. Of the twenty (20) files reviewed, five (5) were Extended Evaluations and fifteen (15) were Three-year Monitoring cases.

All twenty (20) of the files were found to be fully compliant. Please let me know if you have any questions or concerns.

Respectfully Submitted,

Megan Kelly, DNP, RN
KNAP Program Manager

Cc: Paula Ellis, President KNAP Board
Linda Davies, BSN, RN, KSBN
Enclosure



Kansas Nurse Assistance Program

Date <u>02/23/21</u>	Compliance	Non-Compliance	N/A
1. Referral	<u>100%</u>	<u>0%</u>	<u>0%</u>
2. Current nursing license Or Applicant	<u>100%</u>	<u>0%</u>	<u>0%</u>
3. Agreement: Signed/notarized	<u>100%</u>	<u>0%</u>	<u>0%</u>
4. Non-compliance noted to KSBN in 5 work days	<u>40%</u>	<u>0%</u>	<u>60%</u>
5. Key restriction	<u>75%</u>	<u>0%</u>	<u>25%</u>
6. Relapse Notification to KSBN in 5 working days	<u>10%</u>	<u>0%</u>	<u>90%</u>
7. UDS: Random/12-required /year	<u>100%</u>	<u>0%</u>	<u>0%</u>
8. Prescriptions: updated every 90 days	<u>30%</u>	<u>0%</u>	<u>70%</u>
9. 12-step sheets/8-required /month	<u>75%</u>	<u>0%</u>	<u>25%</u>
10. MMM: attended each month 2 excused/year	<u>75%</u>	<u>0%</u>	<u>25%</u>
11. Completed Evaluation	<u>100%</u>	<u>0%</u>	<u>0%</u>

Record Retention Schedule for Investigative Files

Current Approved Record Retention for Investigative Files (*approved Jan 2021*)

SERIES ID: 0021-482
TITLE Investigative Files
DESCRIPTION Records related to board investigations of possible violations by nursing professionals of the Nurse Practice Act and the Mental Health Technicians Licensure Act.
RETENTION **10 fiscal years after case is closed**
DISPOSITION **Destroy**
RESTRICTIONS **KSA 45-221(a)(3)(9)(10)(11)(14)(20)(25)(30)**
APPROVED 2021-01-21
K.A.R. NUMBER 53-2-208

Revisions suggested for clarity:

Change description to the following:

Records related to board investigations of Complaints against nursing professionals licensed under the Nurse Practice Act and the Mental Health Technicians Licensure Act.

60-3-110. Unprofessional conduct. Any of the following shall constitute “unprofessional conduct”:

- (a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed;
- (b) assuming duties and responsibilities within the practice of nursing without making or obtaining adequate preparation or maintaining competency;
- (c) failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient;
- (d) inaccurately recording, falsifying, or altering any record of a patient or agency or of the board;
- (e) physical abuse, which shall be defined as any act or failure to act performed intentionally or carelessly that causes or is likely to cause harm to a patient. This term may include any of the following:
 - (1) The unreasonable use of any physical restraint, isolation, or medication that harms or is likely to harm a patient;
 - (2) the unreasonable use of any physical or chemical restraint, medication, or isolation as punishment, for convenience, in conflict with a physician's order or a policy and procedure of the facility or a state statute or regulation, or as a substitute for treatment, unless the use of the restraint, medication, or isolation is in furtherance of the health and safety of the patient;
 - (3) any threat, menacing conduct, or other nontherapeutic or inappropriate action that results in or might reasonably be expected to result in a patient's unnecessary fear or emotional or mental distress; or
 - (4) failure or omission to provide any goods or services that are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm;
- (f) commission of any act of sexual abuse, sexual misconduct, or sexual exploitation related to the licensee's practice;
- (g) verbal abuse, which shall be defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonably be expected to result in the patient's unnecessary fear, emotional distress, or mental distress;
- (h) delegating any activity that requires the unique skill and substantial specialized knowledge derived from the biological, physical, and behavioral sciences and judgment of the nurse to an unlicensed individual in violation of the Kansas nurse practice act or to the detriment of patient safety;
- (i) assigning the practice of nursing to a licensed individual in violation of the Kansas nurse practice act or to the detriment of patient safety;
- (j) violating the confidentiality of information or knowledge concerning any patient;
- (k) willfully or negligently failing to take appropriate action to safeguard a patient or the public from incompetent practice performed by a registered professional nurse or a licensed practical nurse. "Appropriate action" may include reporting to the board of nursing;
- (l) leaving an assignment that has been accepted, without notifying the appropriate authority and allowing reasonable time for replacement;
- (m) engaging in conduct related to licensed nursing practice that is likely to deceive, defraud, or harm the public;
- (n) diverting drugs, supplies, or property of any patient or agency;
- (o) exploitation, which shall be defined as misappropriating a patient's property or taking unfair advantage of a patient's physical or financial resources for the licensee's or another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false pretense, or false representation;
- (p) solicitation of professional patronage through the use of fraudulent or false advertisements, or profiting by the acts of those representing themselves to be agents of the licensee;
- (q) advertising nursing superiority or advertising the performance of nursing services in a superior manner;
- (r) failing to comply with any disciplinary order of the board;
- (s) failing to submit to a mental or physical examination or an alcohol or drug screen, or any combination of these, when so ordered by the board pursuant to K.S.A. 65-4924 and amendments thereto, that the individual is unable to practice nursing with reasonable skill and safety by reason of a physical or mental disability or condition, loss of motor skills or the use of alcohol, drugs, or controlled substances, or any combination of these;
- (t) failing to complete the requirements of the impaired provider program of the board;
- (u) failing to furnish the board, its investigators, or its representatives with any information legally requested by the board;
- (v) engaging in nursing practice while using a false or assumed name or while impersonating another person licensed by the board;
- (w) practicing without a license or while the license has lapsed;
- (x) allowing another person to use the licensee's license to practice nursing; or
- (y) knowingly aiding or abetting another in any act that is a violation of any health care licensing act.

History: (Authorized by K.S.A. 65-1129; implementing K.S.A. 2015 Supp. 65-1120; effective May 1, 1982; amended Sept. 27, 1993; amended Sept. 6, 1994; amended Oct. 25, 2002; amended April 29, 2016.)