

**Kansas State Board of Nursing
Investigative Committee Agenda
September 13, 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 – Vice-Chair
Jade Ramsdell, BHS, COTA/L, Public Member

Staff: Linda Davies, BSN, RN, Practice Specialist
Victoria Bond, Administrative Specialist

- I. Call to Order
- II. Review of On-Site packets
- III. Additions/Revisions to the agenda
- IV. Announcements
- V. Approval of minutes – June 14, 2021
- VI. Unfinished Business
- VII. New Business
 - a. K.A.R. 60-7-106- Unprofessional conduct (LMHT)
 - b. KNAP Reports
 - c. Professional Review of Complaints
- VIII. Quasi-Judicial
- IX. Agenda for December 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/86310815778?pwd=ZXpZbGJ0dC95cTNERHpDS2NpZkRPUT09>

Webinar ID: 863 1081 5778
Passcode: KsbnINV
One tap mobile

+12532158782,,86310815778#,,, *7147291# US (Tacoma)
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Dial by your location

+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
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+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 646 876 9923 US (New York)

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Kansas Administrative Regulations

60-7-106. Unprofessional conduct. Any of the following shall constitute "unprofessional conduct":

- (a) Performing acts beyond the authorized scope of mental health technician practice for which the individual is licensed;
- (b) assuming duties and responsibilities within the practice of mental health technology without adequate preparation or without maintaining competency;
- (c) failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient;
- (d) inaccurately recording, falsifying, or altering any record of a patient, an agency, or 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 restraints, 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 a punishment, for convenience, in conflict with a physician's order or a policy and procedure of the facility or a 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) any 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) the 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 mental health technician to an unlicensed individual in violation of the mental health technician's licensure act or to the detriment of patient safety;
- (i) assigning the practice of mental health technology to a licensed individual in violation of the mental health technician's licensure 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 licensed mental health technician. "Appropriate action" may include reporting to the board of nursing;
- (l) leaving an assignment that has been accepted, without notifying the appropriate authority and without allowing reasonable time for the licensee's replacement;
- (m) engaging in conduct related to mental health technology practice that is likely to deceive, defraud, or harm the public;
- (n) diverting drugs, supplies, or property of any patient or agency or violating any law or regulation relating to controlled substances;

- (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) failing to comply with any disciplinary order of the board;
 - (r) if the licensee is participating in an impaired provider program approved by the board, failing to complete the requirements of the program;
 - (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 mental health technology 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 furnish the board of nursing, or its investigators or representatives, with any information legally requested by the board of nursing;
 - (u) engaging in mental health technology practice while using a false or assumed name or while impersonating another person licensed by the board;
 - (v) practicing without a license or while the individual's license has lapsed;
 - (w) allowing another person to use the licensee's license to practice mental health technology;
 - (x) knowingly aiding or abetting another in any act that is a violation of any health care licensing act;
 - (y) having a mental health technician license from a licensing authority of another state, agency of the United States government, territory of the United States, or country denied, revoked, limited, or suspended or being subject to any other disciplinary action. A certified copy of the record or order of denial, suspension, limitation, revocation, or any other disciplinary action issued by the licensing authority of another state, agency of the United States government, territory of the United States, or country shall constitute prima facie evidence of such a fact;
 - (z) failing to report to the board of nursing any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a health care facility, a professional association or society, a governmental agency, a law enforcement agency, or a court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this regulation; or
 - (aa) cheating on or attempting to subvert the validity of the examination for a license.
- (Authorized by K.S.A. 65-4203 implementing K.S.A. 2015 Supp. 65-4209; effective, T-88-48, Dec. 16, 1987; effective Sept. 27, 1993; amended Sept. 6, 1994; amended April 20, 2007; amended April 29, 2016.)

Kansas Nurse Assistance Program Statistical Summary

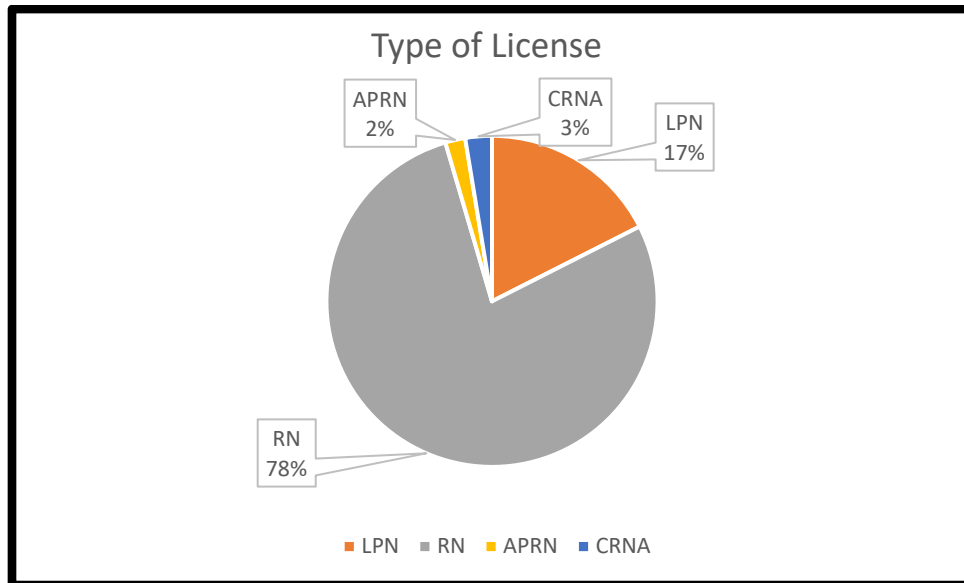
Reporting Period: 04/01/2021-06/30/2021

Active Cases

Total Number in Program: 154 as of 06/30/21

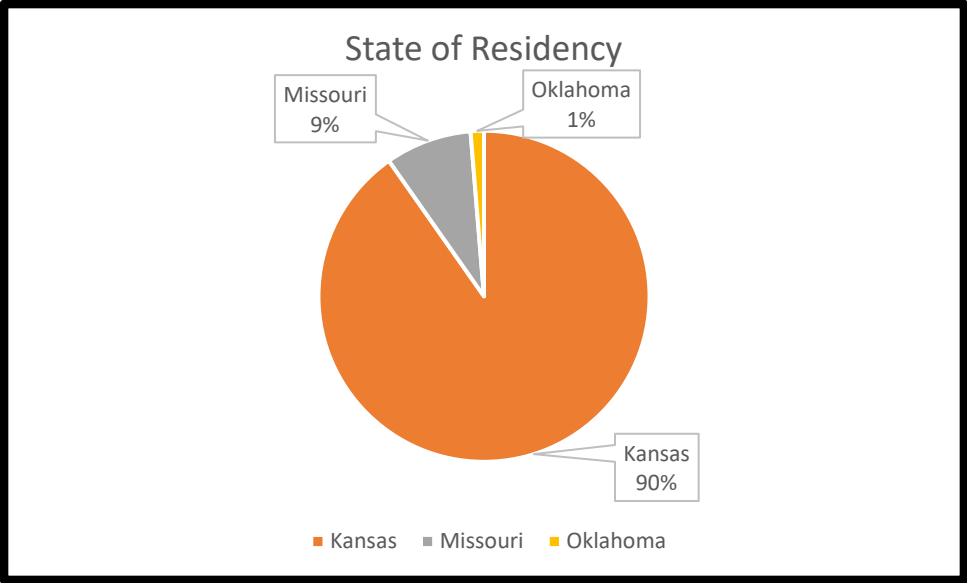
Type of License:

LPN	27 licensees
RN	120 licensees
APRN	3 licensees
CRNA	4 licensees



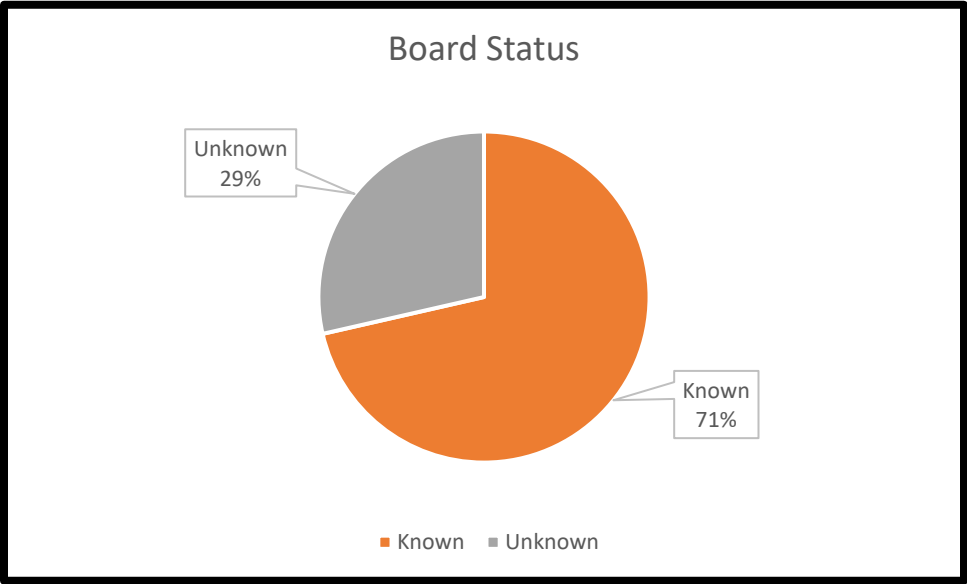
State of Residency:

Kansas	139 licensees
Missouri	13 licensees
Oklahoma	2 licensees



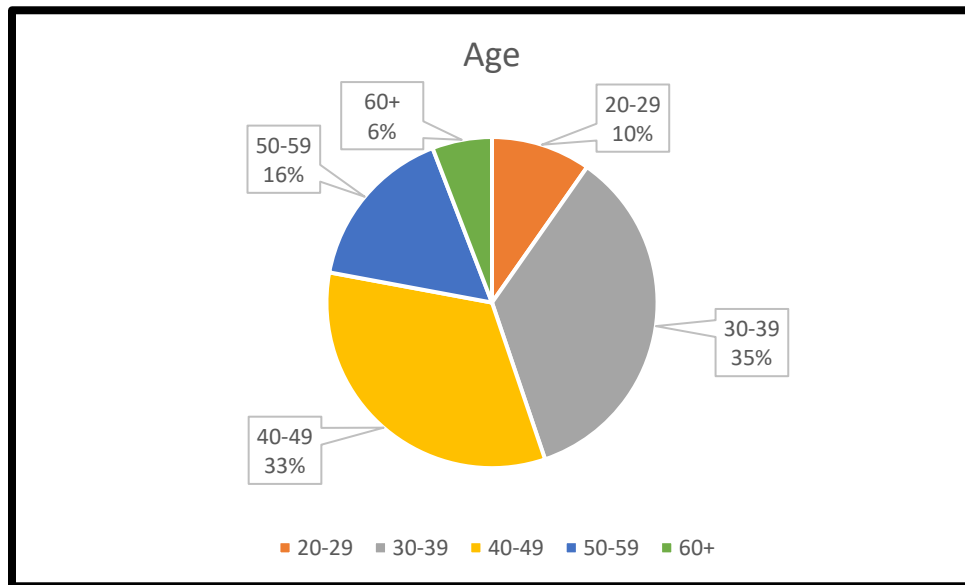
Board Status:

Known	110 licensees
Unknown	44 licensees



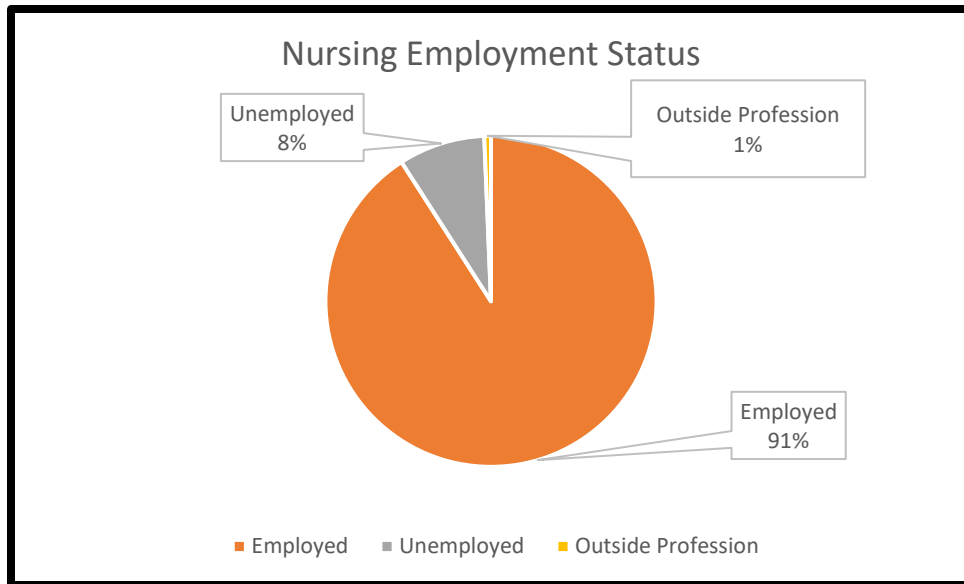
Age:

20-29	15 licensees
30-39	54 licensees
40-49	51 licensees
50-59	25 licensees
60+	9 licensees



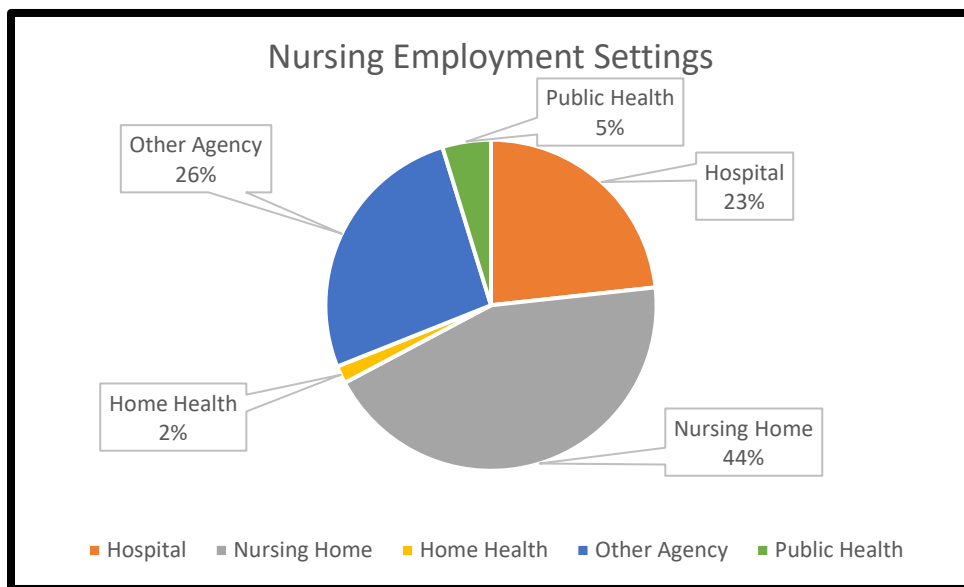
Nursing Employment Status:

Employed	140 licensees
Unemployed	13 licensees
Outside Profession	1 licensee



Nursing Employment Settings:

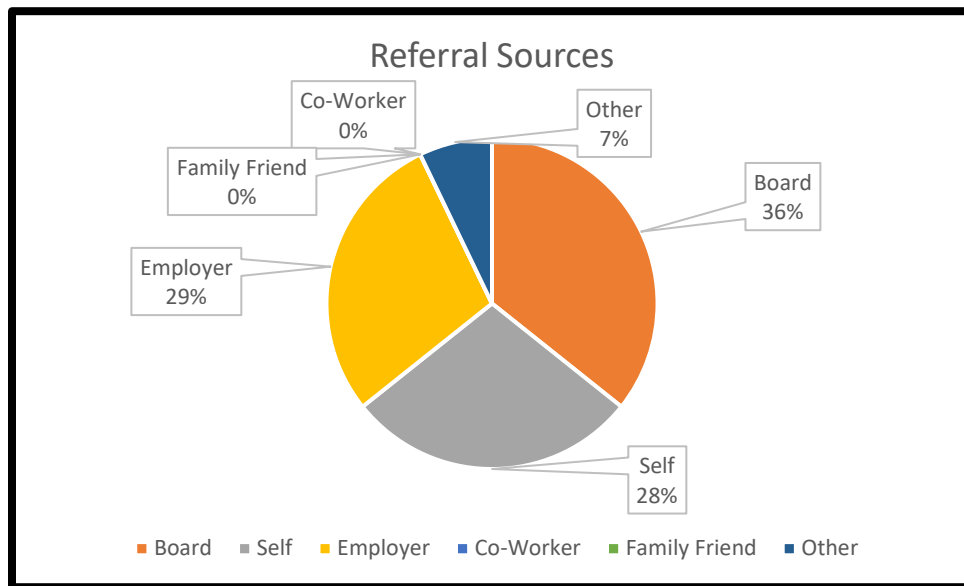
Hospital	54 licensees
Nursing Home	105 licensees
Home Health	4 licensees
Other Agency	61 licensees
Public Health	11 licensees



Participants Entered Into Program: 14

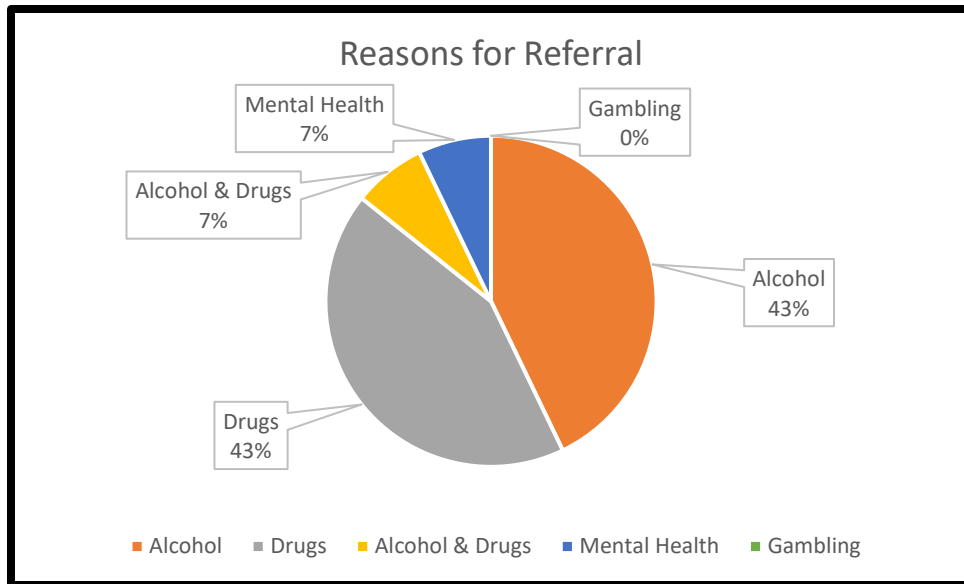
Referral Sources:

Board	5 licensees
Self	4 licensees
Employer	4 licensees
Co-worker	0 licensees
Family Friend	0 licensees
Other	1 licensee



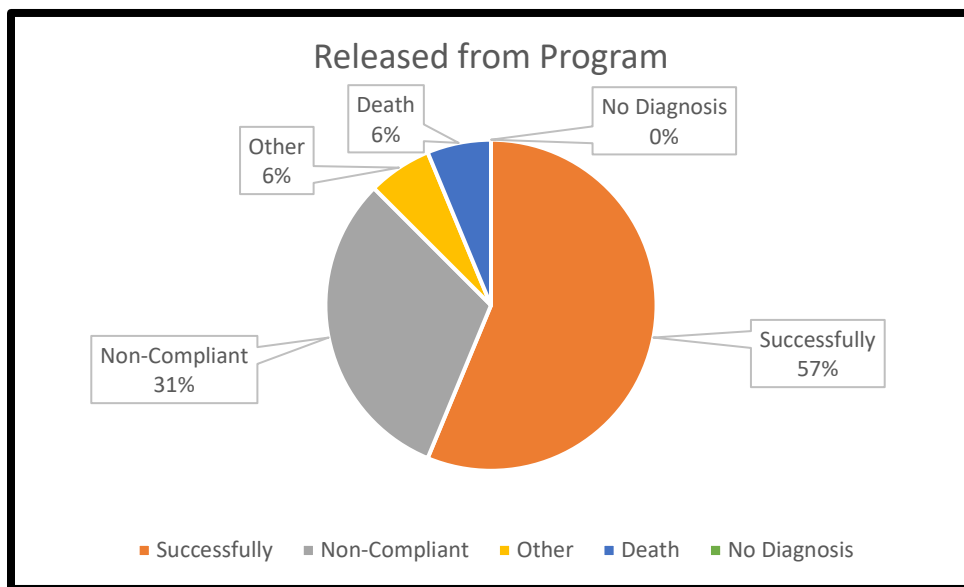
Reasons for Referral:

Alcohol	6 licensees
Drugs	6 licensees
Alcohol & Drugs	1 licensee
Mental Health	1 licensee
Gambling	0 licensees



Participants Released from Program: 16

Successfully	9 licensees
Non-Compliant	5 licensees
Other	1 licensee
Death	1 licensee
No Diagnosis	0 licensees



Kansas Nurse Assistance Program Statistical Summary

Reporting Period: 07/01/2020-06/30/2021

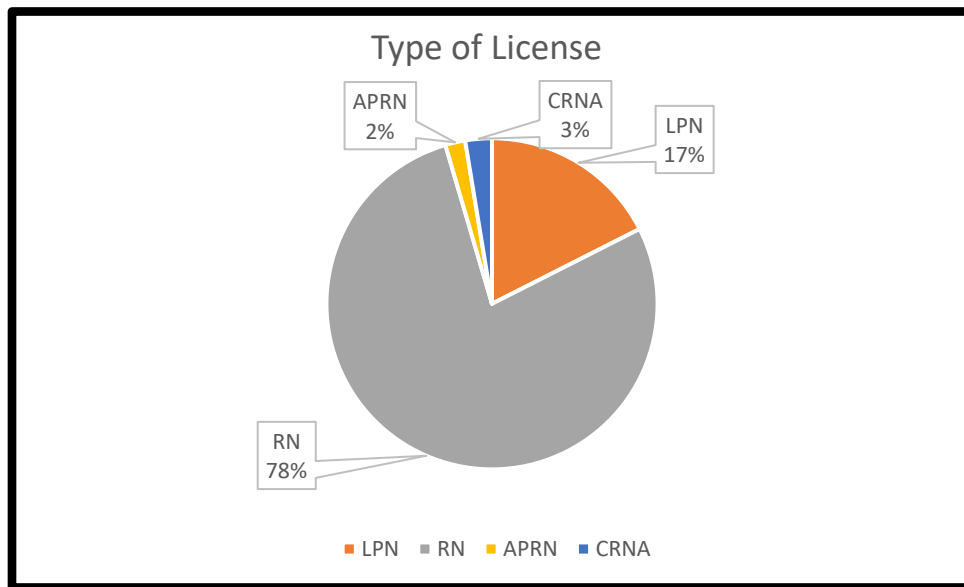
Active Cases

Total Number in Program: 154 as of 06/30/2021

TOTAL NUMBER SERVED State FY2021: 254

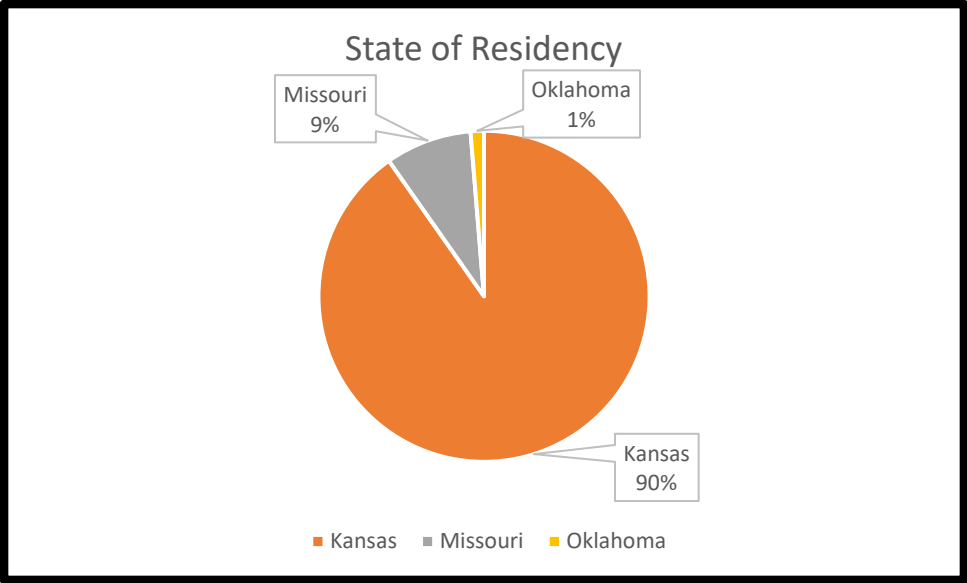
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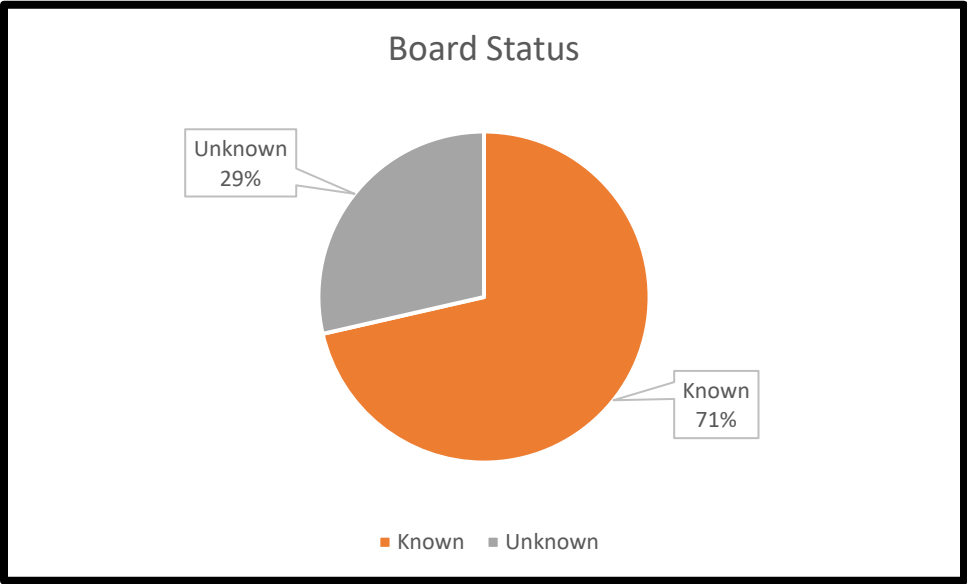
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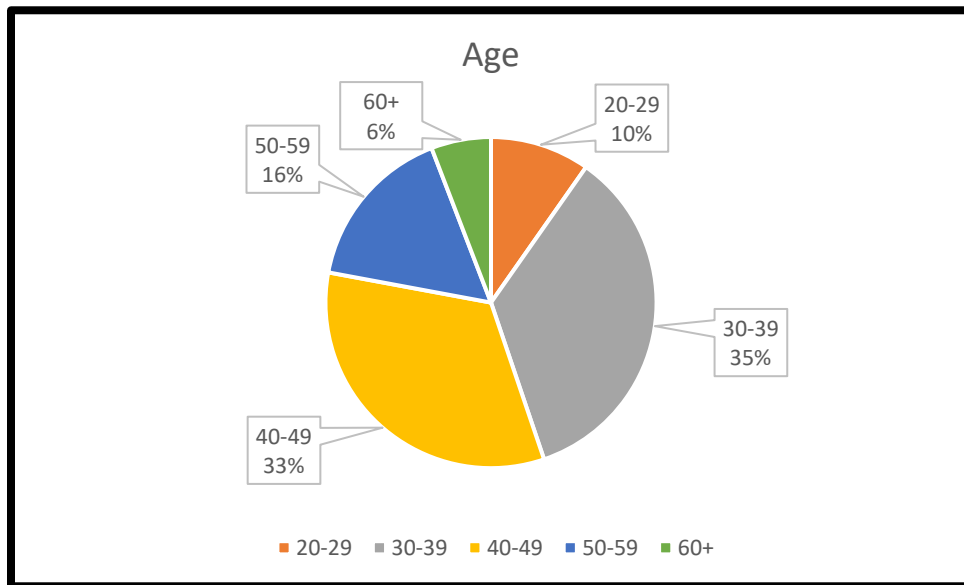
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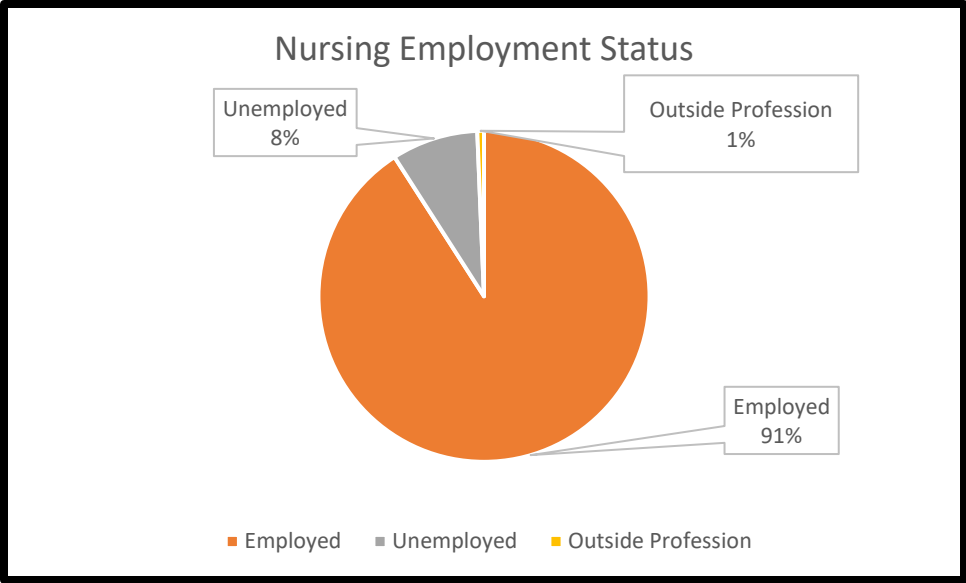
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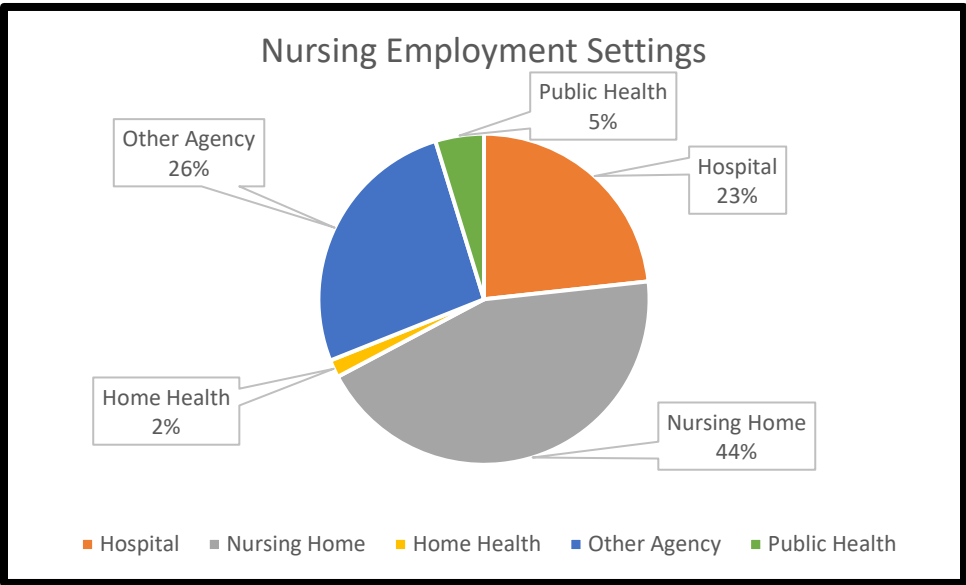
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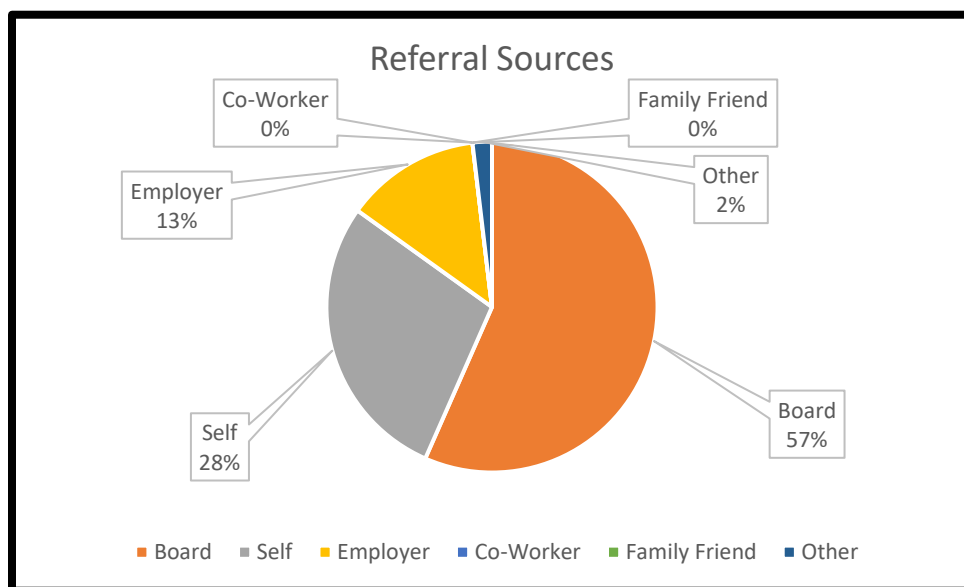
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Home Health	4 licensees
Other Agency	61 licensees
Public Health	11 licensees



Participants Entered Into Program: 53

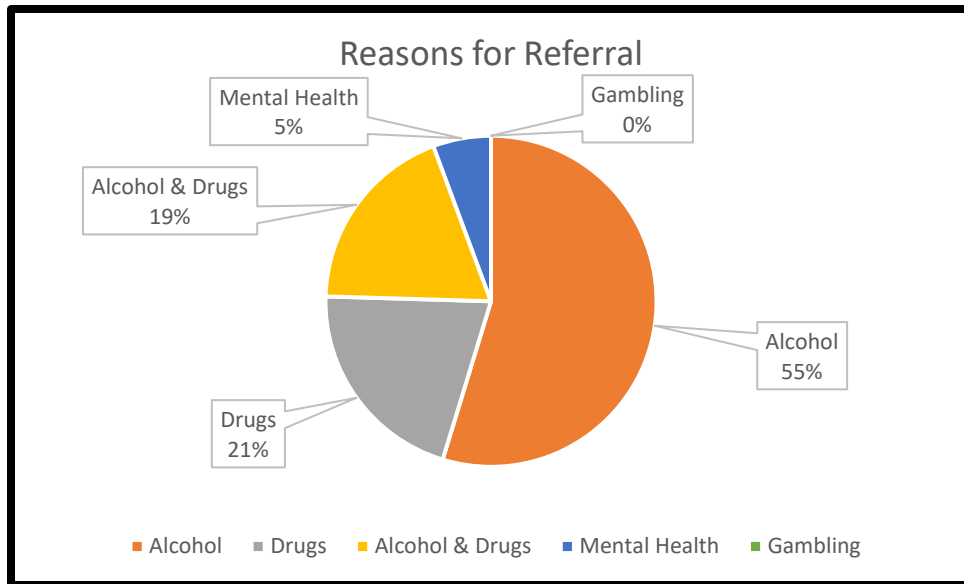
Referral Sources:

Board	30 licensees
Self	15 licensees
Employer	7 licensees
Co-worker	0 licensees
Family Friend	0 licensees
Other	1 licensees



Reasons for Referral:

Alcohol	29 licensees
Drugs	11 licensees
Alcohol & Drugs	10 licensees
Mental Health	3 licensees
Gambling	0 licensees



Released from Program: 98

Successfully	43 licensees
Non-Compliant	51 licensees
Other	2 licensees
Death	2 licensees
No Diagnosis	0 licensees

