

**Kansas State Board of Nursing  
Landon State Office Building  
Board of Nursing Library, Room 1051  
Investigative Committee Agenda  
March 20, 2023**

**NOTE:** The audience may attend in person or via Zoom. Link to access meeting to follow agenda.

**Time:** 9:00 a.m. – Until Finished

**Committee Members:** Rebecca Sander, MSN, RN – Chair  
Adri Gouldsmith, LPN, V. Chair  
Michaela Hysten, MSN, BSN, RN

**Staff:** Linda Davies, BSN, RN, Practice Specialist  
Hana Dajani, Administrative Specialist

- I. Call to Order
- II. Review of On-Site packets
- III. Additions/Revisions to the agenda
- IV. Announcements
- V. Approval of minutes –December 12, 2022
- VI. Unfinished Business
  - 1. Update on Investigative Committee Changes
- VII. New Business
  - 1. KNAP Statistical Summary for period 10/01/2022-12/31/2022
  - 2. 5-Year Legislative Review
    - a. K.S.A. 65-4210 – Disciplinary Proceedings
    - b. K.S.A. 65-4211 – Judicial Review
    - c. K.S.A. 65-4213 – Injunctions
    - d. K.S.A. 65-4214 – Violations; penalties
    - e. K.S.A. 65-4215 – Practice of medicine not authorized
    - f. K.S.A. 65-4216 – Reporting
    - g. K.S.A. 65-4217 – Immunity from liability
- VIII. Quasi-Judicial
- IX. Agenda for June 2023 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:

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Status Update: Investigative Committee Meeting and Process Changes  
March 2023

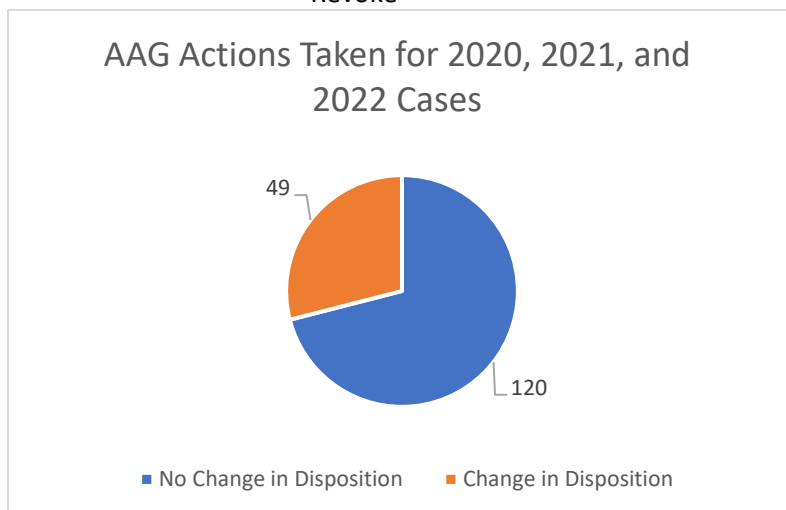
Goal: Timely review of cases opened to determine discipline

Reference: JNR article, *Evaluating the Operational Efficiency of Nursing Regulatory Boards' Discipline Case Management*, April 2022.

What is the priority of the Board?

1. Increase Investigative Committee Meetings to begin meeting monthly
  - a. Considerations
  - b. Board/Committee membership
  - c. Timeline
2. Assess Operational efficiency for case investigations
  - a. Data determines current efficiency of processes:
    - i. Incoming complaints
      - i. Reporting issues
      - ii. Facility Type that Reports unprofessional conduct
  - b. Caseload per investigator
  - c. Identify gaps in case processing
  - d. Facilitate process improvement initiatives to address gaps
    - i. Receipt and storage of digital and electronic production of evidence
3. Assess Operational efficiency for case resolution through the disciplinary process  
Baseline Data shows:
  - a. Average days for AAG to take action = 136.44 days (2020-2021-2022 Cases)
  - b. Median days for AAG to take action = 91 days
  - c. Cases Prioritized: Critical
  - d. Disciplinary Action determined by the Investigative Committee:

No Action	Warning Letter	Cease and Desist
KNAP evaluation	Public Censure	Limitation on License
CNE	Suspend	Fine
	Revoke	



## **Kansas Nurse Assistance Program Statistical Summary**

Reporting Period: 10/1/22 to 12/30/22

### **Active Cases**

**Total Number in Program: 139 as of 12-30-22**

#### **Type of License:**

LPN	31 licensees
RN	102 licensees
APRN	3 licensees
CRNA	3 licensees

#### **State of Residency:**

Kansas	128 licensees
Missouri	9 licensees
Oklahoma	1 licensee
Colorado	1 licensee

#### **Board Status:**

Known	119 licensees
Unknown	20 licensees

#### **Age:**

20-29	17 licensees
30-39	38 licensees
40-49	47 licensees
50-59	25 licensees
60+	12 licensees

#### **Nursing Employment Status:**

Employed	121 licensees
Unemployed	14 licensees
Outside Profession	4 licensees

**Nursing Employment Settings:**

Hospital	46 licensees
Nursing Home	52 licensees
Home Health	4 licensees
Other Agency	28 licensees
Public Health	9 licensees

**Relapses in Program:****Relapse Substance:**

Alcohol	3 licensees
THC/Marijuana	0 licensees
Opioids	1 licensee
Stimulants	0 licensees
Other	0 licensees
Unknown substance	0 licensees

**Relapse & Licensee Type:**

LPN	1 licensees
RN	3 licensees
APRN	0 licensees
CRNA	0 licensees

**Length of Time in Program and Relapse:**

Less than 1 year	2 licensees
1-2 years	2 licensees
2-3 years	0 licensees
3+ years	0 licensees

**Participants Entered into KNAP Program:****Total Number of Referrals Received and Referral Sources:**

Board	4 licensees
Self	3 licensees
Employer	1 licensees
Co-worker	0 licensees
Family Friend	0 licensees



**Participants Entered and Reasons for Referral:**

Alcohol	3 licensees
Drugs	2 licensees
Alcohol & Drugs	0 licensee
Mental Health	2 licensee
Gambling	0 licensees

**Participants Released from Program:**

Successfully	3 licensees
Non-Compliant	7 licensees
Death	0 licensee
No Diagnosis	0 licensee
Other (voluntary withdrawal)	1 licensee

**65-4210. Disciplinary proceedings; complaint; notice and hearing.** (a) If a sworn complaint is filed with the board by any person charging a mental health technician with having been guilty of any of the actions specified as a ground for disciplinary action, the board shall fix a time and place for hearing and shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be personally served on the accused mental health technician, in the manner provided by the provisions of the Kansas administrative procedure act.

(b) The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If the accused mental health technician is found guilty of the charges, or any of them, the board may withhold, revoke, or suspend an existing license, or otherwise discipline a licensee as provided in this act. A revoked or suspended license may be reissued thereafter by the board in its discretion.

(c) Any meeting of the board may be adjourned or continued by an affirmative vote of a majority of the board members present at the hearing or meeting.

**History:** L. 1973, ch. 308, § 10; L. 1983, ch. 216, § 2; L. 1984, ch. 313, § 130; July 1, 1985.

**65-4211. Judicial review.** (a) Any person aggrieved by a decision of the board, and affected thereby, shall be entitled to judicial review in accordance with the provisions of the Kansas judicial review act.

(b) Any party may have review of the final judgment or decision of the district court by appeal to the supreme court pursuant to the Kansas judicial review act.

**History:** L. 1973, ch. 308, § 11; L. 1984, ch. 313, § 131; L. 2010, ch. 17, § 159; July 1.

**65-4213. Injunctions.** When it appears to the board that any person is violating any of the provisions of this act or that any person, firm, corporation, institution or association is employing one not licensed under this act, the board may bring an action in a court of competent jurisdiction for an injunction against such violation without regard to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

**History:** L. 1973, ch. 308, § 13; July 1, 1974.

**65-4214. Violations; penalties.** (a) It is a violation of law for any person, including any corporation, association, partnership to:

(1) Fraudulently obtain, sell, transfer, or furnish any mental health technician diploma, license, renewal of license or record, or aid or abet another therein;

(2) advertise, represent, or hold oneself out in any manner as a mental health technician or to practice as a mental health technician without having a license to so practice issued under the mental health technician's licensure act, except as provided in K.S.A. [65-4212](#) and amendments thereto;

(3) use in connection with one's name any designation intending to imply that such person is a licensed mental health technician without having such license issued as herein provided;

(4) practice as a mental health technician during the time such person's license is suspended or revoked;

(5) otherwise violate any of the provisions of the mental health technician's licensure act; or

(6) represent that a provider of continuing education is approved for educating mental health technicians, unless the provider of continuing education has been approved by the board and the approval is in full force.

(b) Any person who violates this section is guilty of a class B misdemeanor, except that, upon conviction of a second or subsequent violation of this section, such person is guilty of a class A misdemeanor.

**History:** L. 1973, ch. 308, § 14; L. 1993, ch. 194, § 6; July 1.

**65-4215. Practice of medicine not authorized.** Nothing in this act shall be construed as authorizing a licensed mental health technician to practice medicine or surgery or to undertake the prevention, treatment or cure of disease, pain, injury, deformity or mental or physical condition.

**History:** L. 1973, ch. 308, § 15; July 1, 1974.

**65-4216. Report of certain actions of mental health technician; persons required to report; medical care facility which fails to report subject to civil fine; definitions.** (a) Subject to the provisions of subsection (c) of K.S.A. [65-4923](#), and amendments thereto:

(1) Every employer of a mental health technician shall report under oath to the board of nursing any information such employer has which appears to show that a mental health technician has committed an act which may be a ground for disciplinary action pursuant to K.S.A. [65-4209](#), and amendments thereto, or that the employer has taken disciplinary action against a mental health technician for committing any such act or has accepted the resignation of a mental health technician in lieu of taking disciplinary action therefor.

(2) Every health care provider shall report under oath to the board of nursing any information such health care provider has which appears to show that a mental health technician has committed an act which may be a ground for disciplinary action pursuant to K.S.A. [65-4209](#), and amendments thereto.

(3) Any person, other than those persons specified in provisions (1) and (2), may report under oath to the board of nursing any information such person has which appears to show that a mental health technician has committed an act which may be a ground for disciplinary action pursuant to K.S.A. [65-4209](#), and amendments thereto.

(b) Any medical care facility which fails to report within 30 days after the receipt of information required to be reported by this section shall be reported by the board of nursing to the secretary of health and environment and shall be subject, after proper notice and an opportunity to be heard, to a civil fine assessed by the secretary of health and environment in an amount not exceeding \$1,000 per day for each day thereafter that the incident is not reported. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. [75-4215](#), and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(c) As used in this section:

(1) "Medical care facility" has the meaning provided by K.S.A. [65-4921](#), and amendments thereto.

(2) "Health care provider" has the meaning provided by K.S.A. [65-4921](#), and amendments thereto.

**History:** L. 1983, ch. 216, § 1; L. 1988, ch. 236, § 6; L. 2001, ch. 5, § 255; July 1.

**65-4217. Immunity from liability in civil actions for reporting, communicating or investigating certain information.** (a) No person reporting to the board of nursing under oath and in good faith any information such person is required to report or is authorized to report under K.S.A. [65-4216](#) and amendments thereto shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association of licensed mental health technicians, and the individual members of any committee thereof, which in good faith investigates or communicates information to the board of nursing or to any committee or agent thereof pertaining to the alleged commission by a mental health technician of an act which may be a ground for disciplinary action pursuant to K.S.A. [65-4209](#) and amendments thereto shall be immune from liability in any civil action that is based upon such information or transmittal of information if the investigation and communication were made in good faith and did not represent as true any matter not reasonably believed to be true.

**History:** L. 1983, ch. 216, § 3; L. 1988, ch. 236, § 7; July 1.