

**Kansas State Board of Nursing
Investigative Committee Meeting
March 20, 2023**

Time: 9:01 a.m. – 12:07 p.m.

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

Staff: Carol Moreland, MSN, RN, Executive Administrator
Linda Davies, BSN, RN, Practice Specialist
Hana Dajani, Administrative Specialist

Call to Order: The Investigative Committee meeting was called to order by Rebecca Sander, MSN, RN, Investigative Chair, at 9:01 a.m.

Review onsite packet: There was nothing for the onsite packet.

Add/Revise agenda: There were no additions or revisions to the agenda.

Announcements: L. Davies announced the hire of a new Special Investigator, Mara Hurley, who started on January 9th, 2023, and will work with applications with legal history.

Minutes: The minutes from the December 12th, 2022, Investigative Committee meeting were reviewed. It was moved to approve the December 12th, 2022, Investigative Committee minutes as written. Motion #1 Gouldsmith/Hysten Adopted.

Unfinished Business:

Update on Investigative Committee Changes:

L. Davies presented an update on Investigative Committee Meeting changes. Currently, the process is to determine how to meet monthly and be more efficient in completing cases while adhering to the Kansas Open Meetings Act. The meetings will be held between quarterly meetings and will be exclusively to review case summaries for determination of disciplinary action.

L. Davies addressed the consideration of committee membership. Two of the three committee members have terms which end the next quarter, which would only leave one member on the Investigative Committee. It is currently unknown if they will be reappointed or if the changes can be implemented by July 1st, 2023 as proposed in January.

Assessing Operational Efficiency for Case Investigations:

L. Davies presented an update on operational efficiency for case investigations. Education and guidance may be necessary for proper reporting by risk management, facilities and staffing agencies. The types of facilities that report include agencies, assisted living, clinics, home health, hospice, hospitals, long term care, nursing homes, other state Boards of Nursing, the Board of Pharmacy, rehab facilities, schools, urgent cares, and other state agencies.

Case load per investigator is still significant, but work is being done to decrease the load per investigator and complete cases in a timely manner. Barriers to case processing are identified and solutions are proposed. This quarter, a system for receiving, viewing, logging, and storing digital media including discs and flash drives was created.

In order to reduce case load, unsworn complaints where there is no licensee mentioned, or there is no violation of the Kansas Nurse Practice Act are not opened. The unopened complaints are listed on a spreadsheet and brought before the Investigative Committee for their audit and review.

Efficiency for Case Resolution through the Disciplinary Process:

L. Davies presented data on the efficiency of case resolution through the disciplinary process. The average number of days for the disciplinary counsel to take action is about 136 days, and the median is 91 days. This data is from cases resolved between 2020 and 2022. Disciplinary action may include warning letters, KNAP evaluations, public censure, suspension, revocation, limitations, fines, and continuing nursing education (CNEs). Common CNE classes assigned are Critical Thinking, Documentation, KNPA, Legal and Ethical, Medication and Narcotic Administration, Professional Accountability, Patient Abandonment, Professional Boundaries, Communication, Resident Rights, and Social Media. A pie chart was presented on the number of cases where the Investigative Committee changed the determination of discipline after the case evidence was reviewed by the disciplinary counsel. About 25% of cases between 2020 and 2022 had the discipline changed. Reasons for this included that the case and evidence was old, or the *current* abuse of drugs was not supported.

New Business:

KNAP Statistical Summary: L. Davies discussed the Statistical Summary for the quarterly period 10/01/2022 to 12/30/2022.

5-Year Legislative Review: It was moved to approve K.S.A. 65-4210 Disciplinary Proceedings as written. Motion #2, Gouldsmith/Hysten adopted.

It was moved to approve K.S.A. 65-4211 Judicial Review as written. Motion #3, Hysten/Gouldsmith adopted.

It was moved to approve K.S.A. 65-4213 Injunctions as written. Motion #4, Hysten/Gouldsmith adopted.

It was moved to approve K.S.A. 65-4214 Violations; Penalties as written. Motion #5, Hysten/Gouldsmith adopted.

It was moved to approve K.S.A. 65-4215 Practice of medicine not authorized as written. Motion #6, Gouldsmith/Hysten adopted.

It was moved to approve K.S.A. 65-4216 Reporting as written. Motion #7, Hysten/Gouldsmith adopted.

K.S.A. 65-4217 was discussed. This was tabled until June 2023 meeting to have immunity from liability explained.

Quasi-Judicial:

It was moved that the meeting of the Investigative Committee be closed to deliberate on matters relating to decisions involving the exercise of Quasi-Judicial functions as authorized by K.S.A. 2013 Supp. 75-4318(g)(1). Motion #8, Gouldsmith/Hysten adopted.

The committee returned to open session at 12:02 p.m.

It was moved that the Investigative Committee find the following cases be closed for the reason that no action is needed. Motion #9, Gouldsmith/Hysten adopted.

It was moved that the Investigative Committee find that reasonable grounds exist for believing the applicant or licensee is guilty of violating the Kansas Nurse Practice Act in the following cases and that those cases be continued for further proceedings conducted in accordance with the provisions of Kansas Administrative Procedure Act. Motion #10, Hysten/Gouldsmith adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “Reinstatement Applications”.

Motion #11, Gouldsmith/Hysten adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “Conversions”.

Motion #12, Hysten/Gouldsmith adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “Endorsement Applications”.

Motion #13, Gouldsmith/Hysten adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “Inactivated by Staff”.

Motion #14, Hysten/Gouldsmith adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “New Grads”.

Motion #15, Gouldsmith/Hysten adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “Cases Not Opened”.

Motion #16, Hysten/Gouldsmith adopted.

Agenda for June 2023:

- 1) Continued update to Investigative Committee meeting, overview of efficiencies and process changes
- 2) Language on Terms of Board Members
- 3) K.S.A. 65-4217 Immunity from liability
- 4) KNAP Quarterly Report

Adjourn:

The Investigative Committee adjourned at 12:07 p.m.

Committee Chair

Date