

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

**Kansas State Board of Nursing  
Landon State Office Building  
Board of Nursing Library, Room 1051  
Investigative Committee Agenda  
June 10, 2024**

**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  
Ruth L.M. Burkhart, DNP, MSN, MA, RN-BC, LPCC  
Brenda Sharpe, Public Member

**Staff:** Linda Davies, MSN, BSN, RN, Practice Specialist  
Jill Simons, Executive Assistant

- I. Quorum (minimum of 3 members present) – Yes or No
- II. Call to Order
- III. Review of On-Site packets
- IV. Additions/Revisions to the agenda
- V. Announcements
- VI. Approval of minutes – March 25, 2024  
April 29, 2024

**Consent Item Agenda**

- VII. Unfinished Business
  - 1. Investigative Committee Changes – After Action
  - 2. Performance Metric
  - 3. Mandatory CNE
- VIII. New Business
  - 1. KNAP Statistical Summary for period 01/01/2024-03/31/2024
  - 2. Update about the Impaired Provider Contract
- IX. Quasi-Judicial
- X. Agenda for September 2024 Committee meeting

## XI. Adjourn

### **Committee Responsibilities:**

To review and recommend revisions in investigative and discipline statutes and regulations. To conduct a review of cases opened by the legal department, determine what type of disciplinary proceeding, and recommend proceedings be initiated. To review and recommend changes to investigative and discipline policies and procedures. To maintain a structured system for monitoring impaired licensees; to review and recommend revisions to the impaired assistance program yearly contract.

**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.

You are invited to a Zoom webinar.

When: Jun 10, 2024 08:30 AM Central Time (US and Canada)

Topic: Kansas State Board of Nursing - Investigative Committee

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85116504939?pwd=VDVsYmhQLy95dnJYekpMMmUwUGtQQT09>

Passcode: KsbnINVCom

Or One tap mobile :

+16694449171,,85116504939#,,,,\*5506537262# US

+16699006833,,85116504939#,,,,\*5506537262# US (San Jose)

Or Telephone:

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

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 564 217 2000 US

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

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Webinar ID: 851 1650 4939

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## Investigative Committee

After Action Discussion – June 10, 2024

1. Dates for remaining calendar year (2024)
  - a. July 22 (Virtual)
  - b. Sept 9 (in person)
  - c. Oct 21 (Virtual)
  - d. Dec 9 (in person)
2. Investigative Staff Review of meeting every 6 weeks
  - a. Currently keeping it to Significant Investigations reviewed at 6 week virtual meeting
    - i. Not sure beneficial as cases are not worked timely once transferred to Legal
  - b. Sense of feeling “rushed”
  - c. Thought of sacrificing quality for quantity
3. Goal

### Priorities delineated (3)

- Increase Investigative Committee Meetings to begin meeting monthly
- Assess Operational efficiency for case investigations
- Assess Operational efficiency for case resolution through the disciplinary process

4. Process Delays affect Operational Efficiency of Case investigations
  - a. Beyond KSBN staff control
    - i. Facility lack of response to subpoena for documents
      1. Facility asks for extensions to production date
      2. Medical Records at off site storage (parent company)
      3. Production is voluminous, not looking at date range requested
      4. Facility closure – where did medical records go?
      5. Agency Staffing – corporate office is often out of state
      6. Employee turnover at facilities (HR, RM, DON)

### Solutions proposed:

- Visiting with facility leadership
  - ii. Licensee contact information not current
  - iii. Witness contact information unavailable
- ### Solutions proposed:
- Revise/update Complaint Form
  - Electronic submission of Complaint
  - Education to Facilities
  - Education to Licensees relating to updating contact information
- iv. Digital Media
    1. Security risk
- ### Solution proposed: Kiteworks

## Investigative Committee: Performance Metric

### Processing Standards for 3rd Quarter FY 24

#### Performance Based Budget (PBB): Outcome Measures:

1. Percentage of complaints received in the agency and reviewed by Professional Staff within 2 weeks of date received = 98.05%
  - Average # days for review 3rd Quarter FY 24: 10.23 days
  - Metric to meet: 90%
2. Percentage of investigations completed within 9 months of opening Cases from Complaint of Unprofessional Conduct
  - CY 2023 – Processing days average = 54 days
    - i. 91% of cases completed within 9 months once opened
    - ii. # Cases requiring >177 days = 48 cases
      - 2023 cases assigned, not opened = 297
      - 2024 cases assigned, not opened = 309
  - Cases processing delay
    - i. Caseload / investigator
    - ii. Facility response to Subpoena
    - iii. Contact Information for Licensee, Witness
  - Cases Significant Investigation
    - i. Sworn
      - CY 2023 = 114
      - CY 2024 = 36
    - ii. ANE
      - CY 2023 = 40 cases
      - CY 2024 = 15 cases
    - iii. Drugs / Impairment
      - CY 2023 = 172 cases
      - CY 2024 = 39 cases
  - Metric to meet: 60%
3. Number of nurses practicing without a current nursing license = 14 ULP
4. Number of individuals presenting as imposter = 0

#### COVID Cases

- 23 cases from 2020-2023

#### Complaint allegations:

- Personal use of medical treatment
- Falsification of results
- Misrepresentation of facts
- Failed to follow facility procedure to safeguard patient; Failed to perform tests
- Falsification of vaccination

# Kansas Nurses Assistance Program Statistical Summary

## Reporting Period: 01/01/2024 - 03/31/2024

## Active Cases

Participants Entered Into Program:	<u>11</u>	Total Number in Program:	<u>97</u>
<b>Referral Source:</b>		<b>Type of License:</b>	
Board:	<u>4</u>	ARNP	<u>7</u>
Employer:	<u>0</u>	CRNA	<u>3</u>
Co-Worker:	<u>0</u>	LPN	<u>17</u>
Self:	<u>3</u>	RN	<u>70</u>
Family-Friend:	<u>0</u>	<b>Board:</b>	
Other:	<u>0</u>	Known:	<u>76</u>
<b>Reasons for Referral :</b>		Un-Known:	<u>21</u>
Alcohol:	<u>3</u>	<b>Gender:</b>	
Drugs:	<u>0</u>	Male:	<u>19</u>
Alcohol & Drugs	<u>0</u>	Female:	<u>78</u>
Mental Health:	<u>1</u>	<b>Age:</b>	
Gambling:	<u>0</u>	20's:	<u>13</u>
<b>Released from Program:</b>		30's:	<u>22</u>
Successfully:	<u>8</u>	40's:	<u>37</u>
Non-Compliant:	<u>6</u>	50's:	<u>16</u>
Other:	<u>5</u>	60's:	<u>8</u>
Death:	<u>0</u>	<b>Nursing Employment Status:</b>	
No Diagnosis:	<u>0</u>	Employed:	<u>84</u>
<b>State of Residency:</b>		Unemployed:	<u>4</u>
MO	<u>5</u>	Outside Profession:	<u>2</u>
KS	<u>92</u>	<b>Nursing Employment Settings:</b>	
<b>Contract Length:</b>		Hospital:	<u>32</u>
7 Year's	<u>1</u>	Nursing Home:	<u>43</u>
6 Year's	<u>2</u>	Home Health:	<u>4</u>
5 Year's	<u>4</u>	Other Agency:	<u>27</u>
4 Year's	<u>7</u>	Public Health	<u>4</u>
3 Year's	<u>63</u>		
2 Year's	<u>1</u>		
1 Year	<u>10</u>		