

**KSBN Internal Policy Regarding Cases with evidence of violation of ONLY K.S.A. 65-1120 and K.A.R. 60-3-110 (w).**

KSBN reviews the facts and evidence in a case on an individual basis. When ONLY a violation of K.S.A. 65-1120(a)(7), “to be guilty of unprofessional conduct as defined by rules and regulations of the board;” as defined by K.A.R. 60-3-110(w), “practicing without a license or while the license has lapsed,” is supported and, KSBN directs delegated Board member(s) to follow the below guidelines on maximum disciplinary action to be pursued:

<b>Time practiced without an active license or privilege to practice nursing in Kansas (as supported by evidence)</b>	<b>Maximum pursued disciplinary action</b>	<b>Action Publicly Reported?</b>	<b>Employer Notification?</b>
30 days	Approve Application, if meets all other licensing requirements, Letter of Concern	No	Letter sent to Employer(s), if known, regarding Unlicensed Practice; Licensee not identified
31 days to 60 days	Approve Application if meets all other licensing requirements, up to \$100 Disciplinary Fine; CNEs (not to be counted to next renewal): 3-6 hours on Professional Accountability, and 2-hour Kansas Nurse Practice Act.	Yes	Letter sent to Employer(s), if known, regarding Unlicensed Practice; Final Order included identifying Licensee.
61 days to 90 days	Approve Application if meets all other licensing requirements, up to \$500 Disciplinary Fine; CNEs (not to be counted to next renewal): 3-6 hours on Professional Accountability, and 2-hour Kansas Nurse Practice Act.	Yes	Letter sent to Employer(s), if known, regarding Unlicensed Practice; Final Order included identifying Licensee.
91 days +	Case reviewed on a case-by-case basis	Case-by-Case Review	Case-by-Case Review

Days are defined as from the time a license lapses until a reinstatement is filed when an individual practices as a nurse as defined in the Kansas Nurse Practice Act.

This guideline does not limit additional action for any finding of a different or additional violation(s) of the Kansas Nurse Practice Act.

In all cases where there is possible violation of K.S.A. 65-1120(a)(7), “to be guilty of unprofessional conduct as defined by rules and regulations of the board;” as defined by K.A.R. 60-3-110(w), “practicing without a license or while the license has lapsed.”, KSBN will send a letter to the Licensee/Applicant’s employer, if known, to notify they may have or had an individual practicing nursing without an active license. The facility will be provided a list of resources including the Coordinated licensure information system (Nursys E-Notify) to verify licensure status. The name of the nurse will only be provided in cases where disciplinary action is taken and becomes final.

KSBN will still consider all facts connected to a case, including but not limited to, attempt of submission of an application, accountability, and barriers by circumstance.

KSBN does not support unlicensed practice. Even if disciplinary action is not pursued by KSBN, a nurse may still have other consequences for practicing without a license.

KSBN complies with state and federal reporting requirements. If disciplinary action is taken, KSBN may report this action to required state and federal entities as required by state and federal law, including, Nursys, NPDB, and OIG.

KSBN complies with the rights to notice, hearing, and/or appeal provided by the Kansas Administrative Procedure Act and Kansas Judicial Review Act.

This guideline will be applied to any future cases investigated and reviewed after the adoption of this Policy. KSBN’s full Board will review and may update this chart on an annual basis.