

**Kansas State Board of Nursing  
Landon State Office Building  
Board of Nursing Library, Room 1051  
Investigative Committee Minutes**

**September 11, 2017**

**TIME:** 8:30 a.m. – 4:30 p.m.

**Committee Members:** Jo Klaassen, RN, MN, JD, V. Chair  
Rebecca Sander, MSN, RN

**Call to order:** J. Klaassen called the general session of the Investigative Committee to order at 9:00a.m. Committee members, other Board members and staff were present.

**Review onsite packet:** KNAP Quarterly Audit

**Additions/revisions to agenda:** None

**Minutes:** The minutes of the June 12, 2017 meeting were reviewed. I move that the committee approve the minutes from June 12, 2017 as written.  
Motion #1 Sander/Klaassen adopted.

**Complaints/concerns:** None.

**Unfinished business:**

**Risk Management Form:** D. Glynn reported she has interviewed Leda Fariah and Jim Martin new heads of Risk Management with KDHE. Processes used by KDHE in regards to risk management forms were discussed. Risks associated with PHI were noted. KDHE does not mind what the form looks like as long as capturing the information they require. D. Glynn also spoke with Jim Kilmartin at Stormont Vail and he emphasized that PHI is of critical importance to the industry. He was comfortable with a system of having the form online and ability to populate but then print copy and send or deliver that to KSBN. He also suggested that when considering a new process to place forms online, note that the number of cases increase. There have been good outcomes but it increased tremendously the amount of work for the hospital and staff as well as BOHA. He said that if the board would consider requesting reports be turned into KSBN, we would have to guarantee that we have a dedicated server, everything is encrypted and we would have to prove to them who has access to that information. Suggested costs of server, software and maintenance was shared. Discussion was held regarding impact of staff

workload, hardware cost, software cost, information security, and what complaints and concerns we were receiving regarding form online. Discussion and suggestions were given to get the information out to licensee and employers on how to obtain a risk management form with our current procedures. It was decided that current procedures are functional and acceptable and that we will add to the newsletter, web page and KARQM newsletter to inform employer/employees of the current form availability.

## KNAP

Alan was present to share information on the conference he attended in March. NOAP is National Organization for Alternative Programs. This year's conference had 29 states represented.

Some highlights from the conference:

1. Sister state of Missouri is developing an impaired provider program. They will be formalizing a program. Their goal was to have in place later this fall.
2. Alan met with multiple other programs to see what their programs are doing. Items he came back with was to have a project to reach out to other programs that he would consider on the forefront and innovative, to gather ideas to bring to the board. He is working with professor from KU Med in nurse anesthetist program and 3 students to reach out to other states to gather information about their current practices. Those states will be TN, LA, WA, OK, and FL to put together general information about the program as well as policies and procedures. Tennessee is doing video conferencing for monthly monitor meetings.
3. He will also be engaging with Affinity. NCSBN is working with Affinity for information about participants in the IPP. Kansas will be sharing information with NCSBN as part of this data.
4. There is a difference in how different programs approach participants and prescriptions for controlled substances. KNAP is trying to get a better handle on participants and prescriptions. They now will require a consent for the PCP so KNAP can speak with PCP regarding concerns and trends. Alan is also working with a couple of professors and KNAP board members to develop trigger points to initiate contact and referrals from PCP. Alan is seeking input and policy ideas to take back to his board that is developing this program. D.Glynn suggested KTrax. She will contact Alexandria Blaasi for her input.

**New business:**

ULP Agreement

D.Glynn presented the current board policy for licensee's to be able to make installment payments for the ULP. The past Exec had questioned the process of allowing installments. It was decided that the current policy should be continued.

Criminal referrals to the AG

M. David met with the AG office regarding criminal cases to be referred to the AG office. We currently do not have a policy in place in how cases with criminal aspects are referred for criminal prosecution. It was emphasized that there are some situations where there is a 2-5 year statute of limitations. It was also discussed that a possible chilling effect for the IPP might be experienced. It was decided that a pilot for 2-3 months and then revisit to see how it is being managed. D. Glynn will get with Carol and Jan Arndt as to the AG interpretation of attorney/client privilege. For Medicaid/Medicare fraud, committee requests that something is indicated on the summary easily identifiable to them that the case has been referred to law enforcement. Diane and Michelle will meet on the process. Also will need to follow up with Alan at KNAP after the pilot and see how the referrals are trending.

Time frame & abandonment of applications

K.A.R. 63-107 sets the abandonment timeline at 6 months. There was discussion as to when to abandon applications. It was requested that proposed new language come back to committee.

**Executive session:**

I move 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 #2 Sander/Klaassen adopted.

I move that the Committee find that the following cases be closed for the reason that no action is needed at this time.  
Motion #3 Sander/Klaassen adopted.

I move that the Committee continue the following cases for further investigations conducted by staff.  
Motion #4 Sander/Klaassen adopted.

I move that the 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 the Kansas Administrative Procedure Act.

Motion #5 Sander/Klaassen adopted.

I move that the Committee approved, by consensus, the case disposition represented on the spreadsheet titled "Unlicensed Practice".

Motion #6 Sander/Klaassen adopted.

I move that the Committee approve, by consensus the case dispositions represented on the spreadsheet titled "Lapsed Licenses".

Motion #7 Sander/Klaassen adopted.

I move that the Committee approve, by consensus, the case disposition represented on the spreadsheet titled "Endorsement Application for Ratification".

Motion #8 Sander/Klaassen adopted.

I move that the Committee approve, by consensus the case dispositions represented on the spreadsheet titled "new grads" with conviction and/or disciplinary action.

Motion #9 Sander/Klaassen adopted.

I move that the Committee approve, by consensus, the case dispositions represented on the spreadsheet titled "False Information".

Motion #10 Sander/Klaassen adopted.

I move that the Committee approve by consensus the case dispositions represented on the spreadsheet titled "CNE for Ratification".

Motion #11 Sander/Klaassen adopted.

I move that the Committee approve, by consensus, the case dispositions represented on the spreadsheet titled "Reinstatement Applications for Ratification".

Motion #12 Sander/Klaassen adopted.

I move that the investigative committee approve, by consensus, the case disposition represented on the spreadsheet titled "Reinstatement Application for Ratification" from June 12, 2017.

Motion #13 Sander/Klaassen adopted.

I move that the Committee approve, by consensus, the case disposition represented on the spreadsheet titled

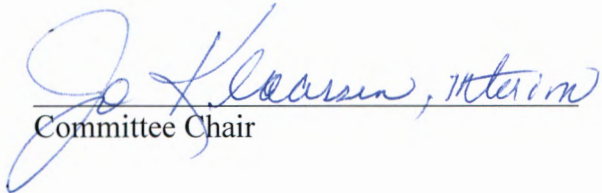
“Endorsement Application for Ratification” from June 12, 2017.

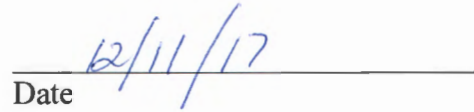
Motion #14 Sander/Klaassen adopted.

**Adjourn:**

I move to adjourn the Investigative Committee.

Motion #15 Sander/Klaassen adopted.

  
Committee Chair

  
Date