

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

March 11, 2019

TIME: 9:00 a.m. – 4:30 p.m.

Committee Members: Jo Klaassen, RN, MN, JD, Chair
Rebecca Sander, MSN, RN, V. Chair
Julianna Rieschick, RN, MSN, NEA-BC

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

Review onsite packet: No changes.

Additions/revisions to agenda: Additions to new business
1. Rewording of Applications
2. Discussion of ULP case list
It was moved to accept the revised agenda.
Motion #1 Sander/Rieschick adopted.

Minutes: The minutes of the December 10, 2018 and the January 16-17, 2019 meetings were reviewed.
It was moved that the committee approve the minutes from December 2018 as written.
Motion #2 Rieschick/Sander adopted.
It was moved that the committee approve the minutes from January 2019 as written.
Motion #3 Rieschick/Sander adopted.

Complaints/concerns: J. Klaassen stated that she did have one complaint regarding getting responses. J. Klaassen directed Carol Moreland to develop a process to track the complaints/concerns.

Unfinished Business:

KNAP Contract revisions
Jan Arndt is working on these revisions. C. Moreland had a meeting with Alan Murray and Paula Ellis from KNAP. They had the following questions:
#1 regarding IPP from other states. – the home state will take action against the multi-state license if the nurse with the multi-state license enters an impaired provider program. The home state will change the multi-state license to a single state license in the home state. Any remote states can take action only against the nurse’s authority to practice in their state. This would not impact KNAP as this

licensee would not be allowed to work in Kansas if they had a multistate license from another state. If this licensee endorsed into Kansas the nurse would have a Kansas license the Board could act on.

#2 regarding practicing while taking controlled substances. Currently in Kansas if the controlled substance is prescribed then they can continue to practice. In some states they don't allow the nurse to practice when taking controlled substances even with a prescription. The committee directed Carol Moreland to research if Kansas practice is the exception or the rule to the policy of practicing while taking a controlled substance. #3 regarding length of contracts- Kansas is currently at 3 years and most states the length is 5 years. Some discussion was held that the efficacy is 5 years. The committee directed Carol Moreland to research if Kansas is the norm or the exception for length of IPP contracts.

#4 regarding request from KNAP to increase the efficiency of communication with KSBN. The committee directed Carol Moreland to investigate using electronic means if encryption is possible.

KNAP shared the current agreement that the licensee would sign when entering KNAP. C. Moreland shared with Alan and Paula that due to joining the compact one item that will need to be added is the language that if the nurse has a multi-state license, that signing the contract would revert that license to a single state while in the program. J. Klaassen also mentioned regarding vacations which J. Arndt is working on revising. A short discussion regarding fees with KNAP. Those fees are not regulated by the Board. J. Klaassen has concerns regarding the quality of the evaluations for the IPP. Direction was to discuss with KNAP regarding their concerns in this area. C. Moreland was given another state example to possibly use as a template.

Another question was the determining factors by KNAP to restart a non-compliance on a program or to refer the non-compliance back to the board. The committee requested these concerns to be communicated with KNAP.

Draft revisions to the
Discipline statutes

These are statutes that would be introduced next year. Discussion was held regarding changes that the committee requested to these statutes. C. Moreland will communicate the edits and bring them back in June for review.

Definition of lapsed license
vs. unlicensed practice

Discussion was held regarding circumstances of lapsed license and unlicensed practice. Decision was made that 14 calendar days or less would be considered a lapsed license in a grace period. 15 calendar days or more would be considered unlicensed practice and disciplinary action. The committee would also considered mitigating circumstances. It was moved to accept the definition of lapsed license and unlicensed practice.

Motion #4 Rieschick/Sander

New business:

Legislative Review

K.S.A. 65-1123

It was moved to approve K.S.A.65-1123 without revision. Motion #5 Rieschick/Sander adopted.

K.S.A. 65-1126

It was moved to approve K.S.A. 65-1126 without revision. Motion #6 Rieschick/Sander adopted.

K.S.A. 65-1127

It was moved to approve K.S.A. 65-1127 without revision. Motion #7 Rieschick/Sander adopted.

Rewording of Applications

Discussion was held regarding to some renewal application questions. Direction from committee was to work on changing these questions to be more relevant to actions that the committee needs to review. Carol Moreland will implement these changes into our current applications.

ULP case list

Discussion was held with discipline issued for ULP that is entered into NPDB. Decision was made to add information to the KSBN website disciplinary case list.

New Staff

Introductions of new staff.

Quasi-judicial session:

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 Sander/Rieschick adopted.

The committee recessed at 4:40p.m.

The committee reconvened on March 12, 2019 at 8:30 a.m.

The committee returned to open session at 11:20 a.m.

It was moved that the Committee find that the following cases be closed for the reason that no action is needed at this time. Motion #9 Rieschick/Sander adopted.

It was moved 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 #10 Sander/Rieschick adopted.

It was moved that the Committee approve by consensus the case dispositions represented on the spreadsheet titled "CNE for Ratification". Motion #11 Rieschick/Sander adopted.

It was moved that the Committee approve, by consensus, the case dispositions represented on the spreadsheet titled "Reinstatement Applications for Ratification". Motion #12 Sander/Rieschick adopted.

It was moved that the Committee approve, by consensus, the case disposition represented on the spreadsheet titled "Endorsement Application for Ratification". Motion #13 Rieschick/Sander adopted.

It was moved that the Committee approved, by consensus, the case disposition represented on the spreadsheet titled "Unlicensed Practice". Motion #14 Sander/Rieschick adopted.

It was moved that the Committee approve, by consensus, the case dispositions represented on the spreadsheet titled "False Information". Motion #15 Rieschick/Sander adopted.

It was moved that the Committee approve, by consensus the case dispositions represented on the spreadsheet titled "New Grads" with conviction and/or disciplinary action. Motion #16 Sander/Rieschick adopted.

It was moved that the Committee approve, by consensus the case dispositions represented on the spreadsheet titled "Inactivated by Staff". Motion #17 Rieschick/Sander adopted

Adjourn

I move that we adjourn Investigative committee. Motion #18 Sander/Rieschick

Committee convened to open session at 11:40 a.m.

Executive Session

Pursuant to K.S.A. 2018 Supp. 75-4319, I move that the Committee recess into executive session and reconvene the open meeting in this room at 12:15 p.m. on this date. The subject to be discussed in the executive session concerns the contract with KNAP. The justification is consultation with the Committee's Assistant Attorneys General Janet Arndt, Bryce Benedict and William Skepnek that would be deemed privileged in the attorney-client relationship. As part of the client, the client includes Executive Administrator Carol Moreland.
Motion #19 Rieschick/Sander adopted.

The committee recessed for 10 minutes at 12:20p.m.

Executive Session

Pursuant to K.S.A. 2018 Supp. 75-4319, I move that the Committee recess into executive session and reconvene the open meeting in this room at 1:30 p.m. on this date. The subject to be discussed in the executive session concerns the contract with KNAP. The justification is consultation with the Committee's Assistant Attorneys General Janet Arndt, Bryce Benedict and William Skepnek that would be deemed privileged in the attorney-client relationship. As part of the client, the client includes Executive Administrator Carol Moreland.
Motion #20 Rieschick/Sander adopted.

Adjourn

I move that we adjourn Investigative committee.
Motion #21 Sander/Rieschick

JoAnn Klaassen, RN, MN, JD, Chair

Date