INVESTIGATION AND DISCIPLINE

Presented by:
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The Board of Nursing

- Created in 1913
- Exists to Protect the Public
- Falls under the Executive Branch (Governor)
- 11 appointed members (6 RN, 2 LPN, 3 Public) & 26 staff
- Fee funded - self-supporting
INVESTIGATIVE STAFF

- Practice Specialist
- Investigators
  - Six RN Seniors
  - One Special Investigator II
- Administrative Specialist
- Senior Administrative Assistant 1/2
DISCIPLINE STAFF

- Senior Administrative Assistant 1/2
- 2 Assistant Attorneys General
REPORT PROCESSING

Professional Review Staff

Cases Opened
- Investigation Completed
  - Investigative Committee Disposition

Reports Filed
- Investigative Committee Audit
Violations and Penalties

KSA 65-1120  Discipline Grounds
KAR 60-3-110  Unprofessional Conduct
  KSA 65-1114  Unlawful Acts
KSA 65-1122  Misdemeanor Crimes
  KSA 65-1123  Injunctive Relief
Fraud/deceit/falsification/inaccuracy/theft
Criminal and discipline history
Policy and procedure violations/fail to provide services/confidentiality violations/fail to follow statutory standards (delegating, reporting, scope, lapsed licenses)
Competency issues (negligence, knowledge, skill)
Boundary issues (sexual, financial)
Abuse (physical, verbal, exploitation)
Disabilities that interfere with licensee's ability to provide safe care
Patterns of conduct, repeated violations
Fingerprints and Background Check

- KSA 74-1112 ...(a) The board of nursing may require …to be fingerprinted and submit to a state and national criminal history record check. …

- The board of nursing may use the information obtained from fingerprinting and the applicant’s criminal history for purposes of verifying the identification of any applicant and in the official determination of character and fitness of the applicant for any licensure …
Criminal History
Duty to report

- 65-1117 …

- (c) (1) Each licensee shall notify the board in writing of
  
  - (A) a change in name or address within 30 days of the change or
  
  - (B) a conviction of any felony or misdemeanor, that is specified in rules and regulations … within 30 days from the date the conviction becomes final…

- Failure to so notify the board shall not constitute a defense …
Categories of Misdemeanors

- Alcohol
- Any drugs
- Deceit
- Dishonesty
- Endangerment of a child or vulnerable adult
- Falsification
- Fraud
- Misrepresentation
- Physical, emotional, financial or sexual exploitation of a child or vulnerable adult
- Physical or verbal abuse
- Theft
- Violation of a protection from abuse order or a protection from stalking order
- Any action rising out of a violation of any state or federal regulation
RN Scope of Practice

- KSA 65-1113 (d) (1) Registered Nurse care, nursing diagnosis, nursing or medical treatment, counsel, health teaching, administration, supervision, teaching of the nursing process, execution of the medical regimen as prescribed by an individual licensed to practice medicine or surgery.
LPN Scope of Practice

- KSA 65-1113(d)(2)
- Tasks and responsibilities from (d)(1) for registered nurses
- Based on acceptable education
- In the area of supportive or restorative care
- Under the supervision of RN, MD, DO or DDS
Impaired Providers

- Drug/alcohol
- Mental/emotional
- Physical
- Deterioration through the aging process
Risk Management Act
KSA 65-4921 et. Seq.

- Requires reporting impaired providers, acts below standard of care and acts constituting discipline grounds.
- Authorizes an IPP for certain agencies
- Allows/encourages reporting to the IPP as the first option = anonymity
- Allows reporting to the licensing agency as an option
Risk Management

- Penalties for non-reporters
- Protection for individual reporters
  - Immunity from civil suits for defamation
  - Damages and attorney fees if retaliation by employer occurs from reporting
  - Privileged and confidential status for reports
Administrative Process

- Petition
- Notice of Hearing
- Pre-hearing conferences and motions
- Discovery
- Hearing
- Order
- Appeals
Case Dispositions

- Deny
- Revoke
- Suspend (Stay)
- Limit
- Public Censure
- Private Censure
- Administrative Fine
  - $1000, $2000, $3000
- Criminal Prosecution
- Injunction
Reporting

- National Data Banks and entities
- National Practitioner Data Bank (NPDB) mandated
  - Healthcare Integrity and Portability Act (HIPDB) mandated
  - Office of the Inspector General (OIG), HHS
  - National Council of State Boards of Nursing (NURSYS) voluntary
Kansas Open Records Act (KORA)

- All records open
- Some Exceptions that apply
  - Invasion of privacy
  - Pending disposition
  - Other Law Protections
    - SS#
    - Buckley Amendment
    - HIPAA
    - Risk Management
    - Etc.
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