

**Kansas State Board of Nursing  
Investigative Committee Meeting  
June 12, 2023**

- Time:** 9:00 a.m. – 11:49 a.m.
- Committee Members:** Rebecca Sander, MSN, RN – Chair  
Adri Gouldsmith, LPN, V. Chair  
Michaela Hysten, MSN, BSN, RN
- Staff:** Carol Moreland, MSN, RN, Executive Administrator  
Linda Davies, BSN, RN, Practice Specialist  
Hana Dajani, Administrative Specialist
- Call to Order:** The Investigative Committee meeting was called to order by Rebecca Sander, MSN, RN, Investigative Chair, at 9:00 a.m.
- Review onsite packet:** There was nothing for the onsite packet.
- Add/Revise agenda:** There were no additions or revisions to the agenda.
- Announcements:** L. Davies announced that she and R. Humbert attended the Kansas Association of Risk and Quality Managers Spring conference. They were able to clarify misconceptions and were invited to present at the August Fall conference in Wichita, KS. She discussed the practice of shredding risk management documentation after one year and the importance of being able to subpoena these documents timely. R. Sander and L. Davies discussed the high turnover rate of risk managers and confusion among the SOC reporting system. A. Gouldsmith discussed creating a newsletter article including education on risk management.
- L. Davies announced that she and M. Hysten attended the NCSBN Disciplinary Case Management Conference in May in Greenville, SC. She discussed the importance of considering mental health diagnoses and substance use disorders of licensees when deciding upon discipline. M. Hysten discussed the suicide rate among nurses and its relation to the potential to lose their nursing license due to an error or mistake.
- Minutes:** The minutes from the March 20<sup>th</sup>, 2023, Investigative Committee meeting were reviewed. It was moved to approve the March 20<sup>th</sup>, 2023, Investigative Committee minutes as written.  
Motion #1 Hysten/Gouldsmith Adopted.

**Unfinished Business:**

**Update on Investigative Committee Changes:**

L. Davies presented an update on Investigative Committee Meeting changes for the Board's directive to move to a timelier review of cases. The current priorities are for the committee to meet more frequently and to assess operational efficiencies for case investigation and case resolution through the disciplinary process.

The Board requested in March for a proposal to be made in June's Board meeting regarding the Investigative Committee Meeting changes. Issues presenting a challenge to the changes include Committee composition, the time taken for training, and disciplinary statutes and regulations.

L. Davies presented two proposals for the Investigative Committee changes. The first proposal explained the work done regarding internal processes and efficiency. The second proposal discusses what it would look like if no changes were made to the current Investigative Committee composition.

The articles for the Investigative Committee state that the Committee is to be made up of a minimum of three Board members, including at least one RN member.

L. Davies proposed that after the September 2023 Board meeting, the Investigative Committee would meet virtually at the 6-week mark between Board meetings. Cases reviewed quarterly currently average over 90, which could take a full day for the Committee to review. If the Committee were to meet more frequently, 40 to 45 cases could be reviewed within a half-day period in either the morning or afternoon. Cases of a more serious nature, such as drug diversions, workplace impairments, or abuse, could be expedited sooner rather than later.

**Language on Terms of Board Members:**

L. Davies stated that the language on terms of Board members will be discussed at the Board meeting on Wednesday.

**5-Year Legislative Review:**

In the March 2023 Investigative Committee meeting, K.S.A. 65-4217 Immunity from Liability was tabled to June. There was a question whether the statute protected an individual reporting to the Board of Nursing from HIPAA violations from the use of PHI in reporting. General Counsel for the Kansas Board of Nursing

advised that under Kansas Law and HIPAA, the Board and Board staff may access protected health information, as it is considered a health oversight agency. There are procedures to protect the PHI, and the statute itself does not violate HIPAA. It was recommended that K.S.A. 65-4217 be approved and remain in place.

It was moved to approve K.S.A. 65-4217 Immunity from Liability as written. Motion #2, Hysten/Gouldsmith adopted.

**New Business:**

KNAP Statistical Summary: L. Davies discussed the Statistical Summary for the quarterly period 01/01/2023 to 03/31/2023.

L. Davies discussed that the KNAP report received does not indicate whether nurses enrolled in KNAP for the reason of chemical dependency, mental health, or both. L. Davies is planning to meet with KNAP staff after July 1<sup>st</sup> to discuss their evaluation process for fitness to practice, and continuing evaluation to ensure compliance and successful treatment.

**Quasi-Judicial:**

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 #3, Gouldsmith/Hysten adopted.

The committee returned to open session at 11:41 a.m.

It was moved that the Investigative Committee find the following cases be closed for the reason that no action is needed. Motion #4, Hysten/Gouldsmith adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled "Reinstatement Applications". Motion #5, Gouldsmith/Hysten adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled "Conversions". Motion #6, Gouldsmith/Hysten adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “Endorsement Applications”.

Motion #7, Hysten/Gouldsmith adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “Inactivated by Staff”.

Motion #8, Gouldsmith/Hysten adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “New Grads”.

Motion #9, Hysten/Gouldsmith adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “Cases Not Opened”.

Motion #10, Gouldsmith/Hysten adopted.

It was moved that the Investigative Committee approve, by consensus, the case disposition represented on the spreadsheet titled “Unlicensed Practice”.

Motion #11, Hysten/Gouldsmith adopted.

It was moved that the Investigative 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 Kansas Administrative Procedure Act.

Motion #12, Hysten/Gouldsmith adopted.

Agenda for September 2023:

- 1) KNAP Quarterly Report
- 2) Impaired Provider Program Contract Update

Adjourn: The Investigative Committee adjourned at 11:49 a.m.

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Committee Chair

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Date