

INVESTIGATION AND DISCIPLINE

Presented by:

Diane M. Glynn, J.D., R.N.



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



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

KSA 65-1120 and KAR 60-3-110

- 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.

Diane M. Glynn, J.D., R.N.

785-296-8401

diane.glynn@ksbn.state.ks.us

tina.beach@ksbn.state.ks.us

Not to be reproduced without permission.