

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

MAR 28 2014

KSBN

IN THE MATTER OF GEOFFREY MBOYA NYANGWESO

License No. 13-106658-061

Case No. 14-409-5

ORDER – EMERGENCY PROCEEDING

NOW ON THIS 28th day of March, 2014, the petitioner's request for emergency proceedings comes on for hearing. The respondent, Geoffrey Mboya Nyangwesa, by and through counsel, Bruce Swenson. The petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General, Michael R. Fitzgibbons. After a hearing the hearing officer makes the following findings of fact and orders:

FINDINGS OF FACT

1. Respondent is licensed to practice nursing in Kansas through 30th November 2014. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.

2. Respondent's address of record is 771 S. Peckman, Wichita, Kansas 67230.

3. (a) On or about 2nd day of September, 2013, Respondent was employed as a nurse at Victoria Falls Nursing Home 224 E. Central Ave, Andover, Butler County, Kansas.

(b) On or about 2nd day of September, 2013, DC was a patient under the care of Respondent at this medical facility. Respondent was on duty at the time.

(c) DC reported to her family on complaining of black and blue bruises to her left eye and upper lip and was abused by the staff.

(d) Staff told the family that bruising happened due to a fall and that she struck a cup.

(e) Family member, because of this incident, put a "Nanny Cam" in DC's room and video taped what happened there.

(f) The video of September 2nd, 2013 at 02:44:34 hrs shows a black male wheeling DC from the bathroom.

(g) DC is asking to go back to the bathroom on the video and the black male is seen picking DC up out of the chair and then turning and letting DC fall to the ground.

(h) The black male then turns and walks out of view and then the lights are turned off.

(i) DC while sitting on the floor next her bed is saying "help me, help me" from that time to 0308 hrs.

(j) The same black male walks back in and starts messing with her bed and leaves again and turns off her light.

(k) This same black male is seen dragging DC (has his hands under her arms) back to the center of the room, in sight of camera and just leaves her sitting on the floor, turns off light and leaves.

(l) The investigator reviewed the video and identified this licensee with the licensee's photo of record with the Kansas State Board of Nursing as the black man in the video.

CONCLUSIONS OF LAW

4. Based on the above facts a situation exists involving an immediate danger to the public health, safety or welfare requiring immediate Kansas State Board of Nursing action.

5. The respondent has violated the following sections of the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

Count 2: K.S.A. 65-1120(e), unprofessional conduct by K.A.R. 60-3-110(e)(2), repeated instances involving failure to adhere to applicable standard of care to a degree which constitutes gross negligence, as determined by the Board.

Count 3: K.A.R. 60-3-110(e)(3), Unprofessional conduct, any threat, menacing conduct, or other nontherapeutic or inappropriate action that results in or might reasonably be expected to result in a patient's unnecessary fear or emotional or mental distress.

POLICY STATEMENT

6. The role of the Kansas State Board of Nursing is to protect the citizens of Kansas.


DISPOSITION


7. Respondent's License to practice nursing in Kansas is suspended until further order of the Kansas State Board of Nursing.

8. Written notice of the date and time for the Hearing on the Petition is to be provided to the respondent and/or counsel.

9. A copy of this order is to be mailed to the respondent at his address of record and any attorney of record.

IT IS SO ORDERED.


Bernard Becker, Board Member


Jo Ann Klaassen, Board Member


Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

CERTIFICATE OF SERVICE

On the 28th day of March, 2014, I mailed a copy of this Order –
Emergency Proceeding to:

Bruce Swenson
P.O. Box 922
Derby, Kansas 67037

Geofrey Mboya Nyangweso
771 S. Peckman
Wichita, Kansas 67230


Michael R. Fitzgibbons #12287