

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 08 2013

KSBN

IN THE MATTER OF KYLE STEPHEN OSWALD

License No. 13-112813-012

Case No. 12-2179-5

SUMMARY ORDER

NOW ON THIS 8th day of October, 2013, THE ABOVE MATTER COMES BEFORE THE Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. This Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 1818 N. Cheryl Court Wichita, Kansas 67212.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. Review of the information gathered by the Board revealed the following upon which this action is based.
 - (a) According to a report, it is alleged that while you were employed by Galachia Heart Hospital, Wichita, Kansas, you left the facility without asking/notifying the director of nursing per facility policy.
 - (b) You failed to clock out or complete a time form for your absence.
 - (c) Licensee was repeatedly rude to patients/staff, made threatening remarks and displayed hostile behavior toward your co-workers.

- (d) Licensee was negligent in the care of a post-procedure patient regarding pull of the monitoring lines.
- (e) Licensee refused to notify the patient's physician regarding elevated blood pressure.
- (f) Licensee was nodding off to sleep after the monitoring line was pulled and while you were applying manual pressure to the insertion site.
- (g) Licensee repeatedly texting on cellular phone while on duty in violation of policy and procedures of the facility.
- (h) Licensee repeatedly diverted narcotics for his own personal use.
- (i) Inappropriately wasted narcotics and refused to submit to a random urine drug screen.
- (j) Licensee admitted that drug screen would be positive due to his use of illegal steroid laced with Morphine.
- (k) KSBN has made many efforts to contact licensee regarding these allegations and has no response.

5. This Licensee violate the Nurse Practice Act by unprofessional conduct by fraud and deceit in practicing nursing and admitted use of illegal narcotics and steroids.

CONCLUSIONS OF LAW

- a. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- b. K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;
- c. K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).
- d. K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

6. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse , as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

5. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n) in past conduct;

Count 3: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

Count 4: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings do not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.

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

POLICY STATEMENT


1. Truthfulness is a hallmark of the nursing profession and is required to ensure accurate communication of all nursing actions.
2. Use of illegal steroid and narcotics use renders a nurse unsafe for practice of nursing.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. **Licensee's license to practice nursing in the state of Kansas is revoked.**

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for hearing. If you desire a hearing, you must submit or direct a **written** request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing.

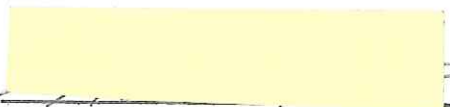
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 8th day of October, 2013, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Kyle Stephen Oswald
1818 N. Cheryl Court
Wichita, Kansas 67212


Michael R. Fitzgibbons #12287
Assistant Attorney General