

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JAN 12 2016

**IN THE MATTER OF
Barbara Cheek-Reeves**

KSBN

License No. 13-116288-022
Case No. 14-1743-5

SUMMARY ORDER TO REVOKE

Now on this 12th day of January, 2016, 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 proposes to find facts and take disciplinary action against the nurse license of Barbara Cheek-Reeves, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

1. a. Licensee is licensed to practice nursing in the state of Kansas through 2-29-2016. The Board has jurisdiction over the Licensee and the subject matter of this action.
b. Licensee's address of record is 833 N. Gow, Wichita KS 67203.
2. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
3. 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 this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. Pursuant to K.S.A. 74-1110 the Kansas State Board of Nursing may also assess a civil fine not to exceed \$1,000.00 for the first violation of a law or rule and regulation applicable to the practice for which such person has been granted a license.
4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Applicant violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.

FINDINGS OF FACT

5. (a) On or about September 19, 2013, while employed by Encompass Private Duty of Kansas, the Licensee was to provide home health care for a child. The Licensee allowed the child's oxygen saturations to drop into the high 30s; it was discovered the child's ventilator cough assist was not turned on, and the child's inhaler pressure was set to the wrong setting, all of this putting the child's health at risk. The licensee suggested to the employer this had happened because she "got out of routine with my medications (anti-depressant)..."

(b) On or about June 22 or 23, 2014, while providing care for a different child, the licensee neglected to replace a probe with the result that the oxygen saturation monitor was not

functioning, and did not function until discovered by the oncoming nurse.

(c) On or about August 28, 2014, while providing care for a third child, a two-year old, the licensee left the child in a bathtub with water in it while she went outside the home to smoke.

(d) On or about September 11, 2014, the mother of the child mentioned in the preceding sub-paragraph (c) made a complaint to the licensee's employer regarding licensee's conduct, including not having shown up the last two days. In the ensuing investigation it was discovered the licensee had represented to the mother that time sheets/cards the mother had signed had been lost, and licensee induced the mother to sign replacement time sheets/cards. These documents were fraudulent in that they represented the licensee had worked certain days and hours that she had not worked.

(e) When the employer sought to inquire of the licensee regarding these discrepancies the licensee texted her resignation.

(f) The Kansas State Board of Nursing wrote the licensee on June 24, 2015 that the licensee was being referred to KNAP, the impaired provider program.

(g) The licensee was evaluated per this referral on July 16, 2015. The evaluator wrote that "...at this time it would be a risk for her to return to work because there's no telling when she may drink again," and recommended a course of therapy before the licensee be allowed to return to work.

(h) On July 29, 2015 KNAP mailed a contract to the licensee as part of entering the KNAP impaired provider program. On August 14, 2015 KNAP closed its referral file as the licensee had declined to return the contract.

(i) The licensee's history includes misdemeanor convictions for alcohol offenses, and ongoing treatment for mental health issues. The licensee represented as recently as July 13, 2015 that she cannot work due to depression.

VIOLATIONS

6. The above fact findings establish evidence that the Licensee violated the following provisions of the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

Count 2: K.S.A. 65-1120(a)(2), to have been guilty of a felony, or to have been guilty of a misdemeanor involving an illegal drug offense.

Count 3: K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency; (1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board; (2) repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board; and or (3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

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

Count 5: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to complete the requirements of the impaired provider program of the Board.

Count 6: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

Count 7: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

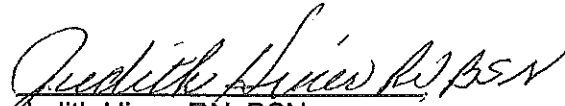
7. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

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

- 1. Licensee's license is revoked.**

- 2. Licensee shall not practice nursing in the state of Kansas.**

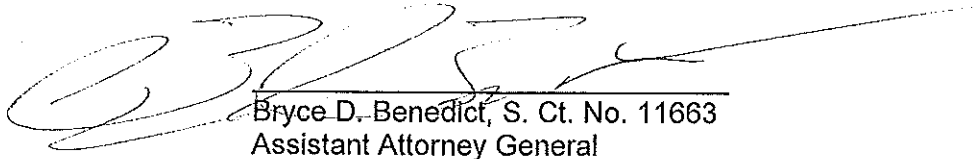
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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

I certify that on the 12th day of January, 2016, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Barbara Cheek-Reeves
833 N. Gow
Wichita KS 67203



Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General