

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

JUL 10 2014

**IN THE MATTER OF REX ALLEN WATERS**

KSBN

License No. 13-116795-051

Case No. 14-273-7

**SUMMARY ORDER**

NOW ON THIS 10<sup>th</sup> day of July, 2014, 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 until May, 2015. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 12909 W. 129<sup>th</sup> Street Overland Park, Kansas 66213.
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, licensee was employed by St Lukes Hospital it is alleged that licensee came into a room where pump was beeping and turned it off without assessing the patient (it was heparin)
  - (b) Licensee was made aware of patient potassium level and need for replacement per protocol, licensee failed to take any action.

- (c) Licensee failed to report a patient fall and failed to monitor patient's blood pressure per doctor's orders.
- (d) Licensee was terminated from this employment on or about the 26<sup>th</sup> day of October, 2012.
- (e) According to a report, while licensee was employed at Menorah Medical Center, it is alleged he was unable to discuss conditions of patients without moderate intervention.
- (f) Licensee struggles with prioritization of his care delivery.
- (g) It was determined that licensee was better suited for nursing care unit with lower acuity where he could gain his communication skills, build his assessment skills and overall foundation and structure with direct patient care.
- (h) Licensee was counseled regarding appropriate documentation of controlled substances secondary to discrepancy during his shift.
- (i) Licensee was again involved in a narcotics discrepancy.
- (j) Licensee was terminated on the 11<sup>th</sup> day of June, 2013.
- (k) According to another report, while licensee was employed at Olathe Medical Center, it is alleged that patient complained that licensee "made me feel uncomfortable, I don't know if he has a health problem or what but he appeared shaky..."
- (l) Licensee was given a final written warning for substandard performance and poor judgment on the 7<sup>th</sup> day of November 2013.
- (m) Licensee started PRBC on patient without obtaining consent and ran the blood with D5LR with 40mg of KCL as backup fluid (this is not compatible with blood product)
- (n) Three patients complained about his lack of hand hygiene.
- (o) Licensee left insulin drawn up for patient and other meds left at patient's bedside table.
- (p) Licensee was unable to tell patient why she was taking a certain medication.

- (q) Licensee failed to respond to pain medication requests.
- (r) Licensee was pushing IV meds too fast (Lasix).
- (s) Licensee was giving wrong dosage (full pill instead of half a pill)
- (t) Licensee resigned in lieu of termination for poor judgment on or about the 27<sup>th</sup> day of November, 2013.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by in failing to report misdemeanor convictions, abusing alcohol and failure to comply with the impaired provider program or sign a consent agreement.

#### CONCLUSIONS OF LAW

- a K.S.A. 65 1120(a)(6) to be guilty of unprofessional conduct as defined as defined by rules and regulations of the board by violating the existing policies and procedures of the medical facility KAR 60-3-110 (b) without making or obtaining adequate preparation or maintaining competency.
- b. K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.
- c. K.S.A. 65-4924 (a), a report to a state licensing agency...relating to a health care provider's inability to practice the provider's profession with reasonable skill and safety due to...mental disability.
- d. Kansas Health Care Providers (Risk Management) , article 49 of the Kansas Statutes, specifically K.S.A. 65-4929, was enacted by the legislature to give the state licensing boards authority to intervene in cases of verified impairment [K.S.A. 65-4924(b)(3)]. Impairment is defined by K.S.A. 65-4924(a) as "relates to a health care provider's inability to practice the provider's profession with reasonable skill and safety due to physical or mental disabilities..."

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)(6) to be guilty of unprofessional conduct as defined as defined by rules and regulations of the board by violating the existing policies and procedures of the medical facility KAR 60-3-110 (b) without making or obtaining adequate preparation or maintaining competency.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

Count 3: K.S.A. 65-4924 (a), a report to a state licensing agency...relating to a health care provider's inability to practice the provider's profession with reasonable skill and safety due to...mental disability.

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. Inability to follow policies and procedures of medical facilities makes this licensee a danger to the public, puts patients and the public at risk, and is a violation of the Kansas Nurse Practice Act.
2. Documentation of narcotics is essential for safe health care environment.
3. Substandard Performance and poor judgment is detrimental to good nursing practice.

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

1. Licensee's license is suspended pending the completion of a refresher course on nursing.
2. After completion of the refresher course, licensee would have no unsupervised practice for a period of one year.
3. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.

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.

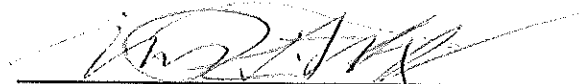
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

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

**CERTIFICATE OF SERVICE**

On the 10<sup>th</sup> July day of June, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Rex Allen Waters  
12909 W. 129<sup>th</sup> Street  
Overland Park, Kansas 66213



Michael R. Fitzgibbons #12287  
Assistant Attorney General