

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

DEC 18 2014

**IN THE MATTER OF
BETTY J. HOWE
License No. 13-64433-122**

KSBN

Case No. 13-2239-3

SUMMARY ORDER

Now this 18th day of December, 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 proposes to find facts and take disciplinary action against the registered nurse license of Betty J. Howe, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1.
 - a. Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 12/31/2016. The Board has jurisdiction over the Licensee and the subject matter of this action.
 - b. Licensee's address of record is 1401 Austin Circle, Salina, Kansas 67401.
 - c. Licensee was employed by Ellsworth County Medical Center, Ellsworth, Kansas on or about August 7, 2013 as a nurse.
 - d. On August 7, 2013 an incident report was completed after a patient fell in the shower. Licensee reported the patient was a high fall risk with a sign posted. Licensee indicated no alarms were in place, because the patient signed the AMA fall risk document. Licensee further reported that the doctor was notified, the doctor completed an assessment and the licensee completed a post fall assessment.
 - e. The facility investigated the matter and found discrepancies. The licensee did not complete a nursing note about the event, no post fall assessment was documented and no AMA fall risk document was found in the patient's chart.
 - f. The patient was documented as a high fall risk and was left alone in the shower, prior to the fall. The licensee did not inform the on-coming nurse of the patient's fall.
 - g. Licensee's human resources file shows a history of complaints about licensee's poor bedside manner, lack of teamwork, holding doctor's orders for the next shift to complete, and reports the licensee made make harsh, even threatening, statements to the patients.
2. 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. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(a) K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (e); (1) 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;

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

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


3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.
4. 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.
5. The role of the Kansas State Board of Nursing is to protect the citizens of Kansas.

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.**
- 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, 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 18th day of December 2014, 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:

Betty J. Howe
1401 Austin Circle
Salina, Kansas 67401


Alma A. Heckler, #11555
Assistant Attorney General