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29 JUL '10 PM2:38

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF**

**JOSEPH L. HARTLE**

**License No. 13-083874-062**

**FILED**

**JUL 29 2010**

**KSBN**

**Case No. 08-591-7, 09-793-7**

**PROPOSED DEFAULT ORDER TO REVOKE LICENSE**


NOW ON THIS 29<sup>th</sup> day of July, 2010, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 6/30/2010. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of the prehearing on July 27, 2010 at 9:00 am to respondent's last known address and service is proper. Notice was also sent to the attorney with whom the respondent had consulted, Robb Edmonds.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas registered nurse license to the Kansas State Board of Nursing.

8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.


**IT IS SO ORDERED.**

  
Sandra L. Sharon, Presiding Officer

**NOTICE**

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within fifteen days, with three additional days for mailing, after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at:

State Board of Nursing - Legal Division  
Landon State Office Building  
900 SW Jackson, Ste 1051  
Topeka, KS 66612-1230

  
Alma A. Heckler, #11555  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

**CERTIFICATE OF SERVICE**

I certify that on the Aug 2 day of 2010, 2010, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Joseph L. Hartle  
10060 Hemlock Dr  
Shawnee Mission, KS 66212

  
Alma A. Heckler  
Assistant Attorney General

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

**IN THE MATTER OF****JOSEPH L. HARTLE**

License No. 13-083874-062

Case No. 08-591-7, 09-793-7

**FILED**  
FEB 10 2010  
KSBN

**PETITION**

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent, Joseph L. Hartle, is licensed to practice nursing in Kansas through 6/30/2010. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 10060 Hemlock Dr, Shawnee Mission, KS 66212.
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. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

**FACTS COMMON TO ALL COUNTS**

5. The facts below are common to all counts:
  - (a) In Case No. 09-793-7 respondent was employed at Saint Luke's South Hospital from 4/30/05 to 11/10/08. Respondent was suspended on 11/6/08 and terminated from his employment on 11/10/08 after a performance evaluation showed poor work performance, to include lack of documentation of standard procedures and assessments to be completed to

respond to patient symptoms and injuries and lack of documentation of wastage of controlled substances.

(b) Specific examples of respondent's failure to document are as follows:

(1) 46 year old with right lower abdominal pain and scrotal pain: respondent assessment of abdominal tenderness documented; but no bowel sounds or swelling documented; no initial actions and procedures were ordered; but no documentation to include KUB, lab and a UA.

(2) 26 year old with abdominal cramping: respondent did an incomplete assessment of abdomen because he did not include documentation of palpitation; respondent's initial actions not documented, procedures ordered but not documented include lab and UA; dilaudid 1 mg. given by IV; accudose shows dilaudid 2 mg. removed from system but waste was not documented; patient's admission blood pressure was 158/73; no repeat blood pressure readings were taken or documented from admission at 5:45 pm to discharge at 10:16 pm.

(3) 38 year old with urinary tract infection symptoms and vaginal delivery one week ago: respondent's assessment of abdomen only states "tenderness"; respondent's initial actions not documented; procedures that may have been done were not documented to include CT scan of abdomen, lab, UA, and pelvic exam; morphine 4 mg. IV ordered and 4 mg. of morphine were removed from Accudose, but no morphine administration was documented.

(4) There were other instances of respondent's failure to document care of patients, failure to tell other staff when leaving the floor, poor documentation of administration of drugs or waste of narcotics.

(c) In Case No: 99-228-9 respondent failed to report the following criminal history on his 2002 and 2004 renewal application: Misdemeanor convictions for unlawful use of a license, obstruction of justice and public urination.

(d) In Case No 08-591-7 respondent failed to report the following criminal history on his 2006 application: Misdemeanor convictions for Driving under the Influence and Battery. Respondent was also been convicted of Misdemeanor Theft on or about 10/11/07. Respondent has reported all convictions on his 2008 renewal application. Respondent provided Certificates of Completion for two (2) hours of Continuing Nurse Education on the Nurse Practice Act and four (4) hours on Nursing Ethics, to the Board and has completed the education requirements in Case No. 08-591-7 and 99-228-9.

#### **VIOLATIONS**

6. Respondent has violated the Kansas Nurse Practice Act as follows:

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(a)(6), unprofessional conduct 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.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency.

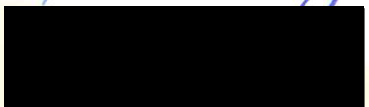
WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$70.00.



Respectfully submitted,

Stephen N. Six  
Kansas Attorney General

By:



Alma A. Heckler, #11555  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612