

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED** #1387  
JUL 16 2013 *peb*

**IN THE MATTER OF MATTHEW L. SCHMID**

**KSBN**

**License No. 13-86677-082**

**Case No. 12-1951-3**

**SUMMARY ORDER**

NOW ON THIS 16<sup>th</sup> day of July, 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. 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 1609 Mic-O-Say Drive Blue Springs, Missouri 64015.
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 licensee was employed by St Luke's Health System, licensee was fired for slapping a female co-worker's bottom.
  - (b) During the exit interview licensee struck the wall of the office on his way out.
  - (c) This occurred in August 2008.
  - (d) The Administrator stated "Licensee had some anger problems and he got upset easily."

- (e) In licensee's application to KU Med, licensee listed his reason for leaving St. Luke's was income instead of his termination.
  - (f) While on the phone, licensee became very upset using the "F" word and slamming the phone down during that conversation.
  - (g) While working at the University of Kansas Hospital., licensee was given verbal counseling for this incident regarding his pay check.
  - (h) Licensee admitted to the incident stating that he had not been paid what he had expected causing several issues with his personal finances and he reacted out of frustration from that situation.
  - (i) Licensee admitted that he could have handled the interaction differently.
  - (j) While employed by the Kansas University of Hospital, licensee grabbed a patient by the arms, lifting the patient up off the ground and tossing patient into a chair.
  - (k) That patient struck his right leg/hip/buttocks on the hard arm rest of the chair.
  - (l) Licensee failed to report this incident to his supervisor.
  - (m) This incident occurred on or about the 26<sup>th</sup> day of September, 2012.
5. This licensee violate the Nurse Practice Act by unprofessional conduct by fraud and deceit in practicing nursing.

#### **CONCLUSIONS OF LAW**

1. Pursuant to KAR 60-3-110 (e) (3) Unprofessional conduct i.e. "physical abuse commission of any threat, menacing conduct or other nontherapeutic or inappropriate action that results in or might reasonably be expected to result in a patient's unnecessary fear or emotional or mental distress."
2. Pursuant to KAR 60-3-110 (g) Unprofessional conduct i.e. "verbal abuse, which shall be defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonably expected to result in the patient's unnecessary fear, emotional distress, or mental distress."

3. Pursuant to K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations.
4. Pursuant to K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing.
5. 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.
6. The above fact findings established evidence that the licensee violated the following provisions of the Nurse Practice Act:

Count 1: Pursuant to KAR 60-3-110 (e) (3) Unprofessional conduct i.e. "physical abuse commission of any threat, menacing conduct or other nontherapeutic or inappropriate action that results in or might reasonably be expected to result in a patient's unnecessary fear or emotional or mental distress."

Count 2: Pursuant to KAR 60-3-110 (g) Unprofessional conduct i.e. "verbal abuse, which shall be defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonably expected to result in the patient's unnecessary fear, emotional distress, or mental distress."

Count 3: Pursuant to K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations.

Count 4: Pursuant to K.S.A.65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing.

7. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings does 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.
8. 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. Trust is imperative in the nursing profession and verbal and/or physical abuse to the most vulnerable citizens is damaging to the nursing profession.

**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.

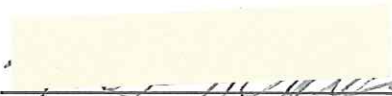
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**Judith Hiner RN, BSN**  
Investigative Committee, Chair  
Kansas State Board of Nursing

**CERTIFICATE OF SERVICE**

On the 16<sup>th</sup> day of July, 2013, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Matthew L. Schmid  
1609 Mic-O-Say Drive  
Blue Springs, MO 64015

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General