

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**AUG 31 2009**

**IN THE MATTER OF  
ANDREW B. TIEMEYER  
License No. 13-095251-122**

**KSBN**

**Case No. 02-440-5, 06-989-5, 07-1078-5, 08-146-4**

**SUMMARY ORDER**

Now this 29<sup>th</sup> day of August, 2009, 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 reinstatement application of Andrew B. Tiemeyer (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. (a) Applicant was previously licensed to practice nursing in the state of Kansas. Applicant's license to practice nursing in the state of Kansas as a registered nurse was revoked in August of 2008. Applicant submitted an application for reinstatement of Applicant's license to practice nursing in the state of Kansas on August 19, 2009. The Board has jurisdiction over the Applicant and the subject matter of this action.

(b) Applicant's address of record is 1114 N Aksarben, Wichita, KS 67235.

(c) On or about August 19, 2009, the Board received Applicant's application for reinstatement of Applicant's license to practice nursing in the state of Kansas.

(d) Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.

(e) Respondent's license to practice nursing was revoked for the following reasons;

The Kansas Board of Nursing (KBON) had three investigations of the respondent, Case No. 06-989-5 and Case No. 07-1087-5. In Case No. 06-989-5, the respondent was accused of violations of confidentiality. He shared unrelated patients' protected medical records with other patients and patients' family members. Additionally, he committed several medication errors.

(f)

[REDACTED]

The respondent failed to enter treatment until spring of 2008.

(g) In Case No. 08-146-4, the Board received a report that on or about October 31, 2007, the respondent, while working as an agency nurse, assigned to Pratt Regional Medical

Center, asked another nurse to witness wastage of a Morphine tubex. Respondent claimed that he used an 18 gauge, 1.25 inch needle to withdraw Morphine from a tubex and caused the stopper to explode out of the end of the tubex, spraying the Morphine. The respondent had been instructed to use the needleless system at orientation, unless it was ordered to give only part of the dose of Morphine in the tubex. The respondent had indicated he had planned to give the whole dose to the patient.

(h) Upon further review by staff it was determined that the respondent had failed to document morphine pulled from PYXIS in the MAR for patients to whom he had allegedly administered the medication. Additionally, in one instance respondent documented he had administered morphine, two (2) hours after his shift was over. Respondent was fired after he tested positive for barbiturates.

(i) Respondent's license was revoked on 7/29/08 for the behaviors described in Case Nos. 06-989-5, 07-1078-5 and 08-146-4. Respondent has been enrolled in [REDACTED] off and on but has had difficulty remaining compliant with the program.

(j) Respondent reported in a letter attached to his reinstatement application that he has completed drug and alcohol treatment in May of 2008. Respondent also reported that he had two misdemeanor convictions for theft in Wichita, Kansas Municipal Court in September of 2008. Respondent blamed both misdemeanors on his drug use in June, 2008. Respondent claimed he had stopped using drugs and was no longer impaired after completing treatment in May of 2008. Respondent fails to report which drugs he used and caused his criminal behavior in June, 2008.

### **CONCLUSIONS OF LAW**

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)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110(s).

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

(d) 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.

(e) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(j), violating the confidentiality of information or knowledge concerning any patient.

(f) 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.

3. Per Vakas v. Kansas State Board of Healing Arts, 248 Kan. 589 (1991), the factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made, are the following:

- The present moral fitness of the petitioner;
- The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- The extent of petitioner's rehabilitation;
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.

4. Applicant's conduct described herein violates the Kansas Nurse Practice Act and Applicant's conduct does not show that he can meet the Vakas factors.

5. 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 and 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.


6. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

**1. Applicant's reinstatement application to practice nursing in the state of Kansas is denied.**

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.

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.

  
Janet Jacobs, LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 3/8 day of August, 2009, 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:

Andrew B. Tiemeyer  
1114 N Aksarben  
Wichita, KS 67235

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Alma A. Heckler, #11555  
Assistant Attorney General