

# Kansas State Board of Nursing

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Topeka, Kansas 66612-1230  
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February 2, 2004

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Board of Nursing

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ksbn0@ink.org

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785-296-3782  
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785-296-8401

Assistant Attorney General  
Disciplinary Counsel  
785-296-4325

Talmadge Michael Stewart  
12254 South Highway 10  
Wyandotte, Oklahoma 74370

## SUMMARY ORDER

Dear Mr. Stewart:

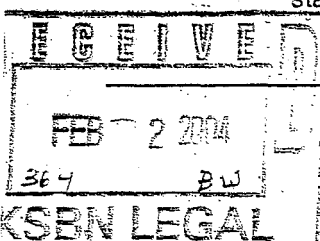
The Disciplinary Committee of the Kansas State Board of Nursing has reviewed your application materials and on behalf of the Board members I am denying your reinstatement application to practice nursing as a registered nurse (R.N.) in Kansas. This denial is based upon the following:

### FINDINGS OF FACT

1. Respondent has submitted an application for a reinstatement of his nursing license received by the Board 12/08/2003.
2. The application for reinstatement included a letter denying the findings of the Default Order of Revocation issued by the Board on 4/16/03 in Case 02-157-6. The default order was based on the following violations: The respondent while employed by a long term care home in Columbus, Kansas on or about September 7, 2002 failed to perform accuchecks, breathing treatments and medication administration but charted that he had completed all of the treatment. The respondent had documented that he had completed seventeen (17) blood sugars on the flow sheet for September 7th and 8th of 2002. The memory on the glucometer was checked against the respondent's documentation and the last twelve (12) readings in the memory were identical to the flow sheet readings taken and documented on the 6<sup>th</sup> of September, 2002. The remaining seven (7) readings documented by the respondent in his charting, four (4) could be matched to readings on the glucometer. One of the readings in the glucometer memory was high but there was no documentation on the respondent's flow sheet. Thirty minutes after the respondent's shift ended, other staff checked patients' blood sugars and one of the patients had an elevated reading of 549. Another patient's elevated blood sugar was documented by the respondent but the respondent did not document that sliding scale insulin was administered.

Another resident reported that on September 7th and 8th of 2002, she did not receive any of her breathing treatments and had had difficulty breathing. The respondent reported and documented that the treatments had been completed. On the same dates noted above, another resident was supposed to have her g-tube replaced because it was plugged. The respondent charted it was completed, but an unopened irrigation tray was found in the patient's room. There were additional reports of patient's whose dressings had not been changed as ordered. Respondent was found to have violated:

K.S.A. 65-1120(a)(3) to have committed an act of professional incompetence as demonstrated by one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence;  
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;

K.A.R. 60-3-110(d) inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

3. The respondent had a disciplinary action with the Oklahoma Board of Nursing, License # R00652982, on 7/30/2003 his Oklahoma license was suspended to supervised practice in a health facility for one year, the action was based upon the Kansas revocation of 4/16/03.
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 when denying an application.
5. Respondent has had no previous cases with the board.
6. Respondent failed to pay \$60.00 as required for a reinstatement, he would need to pay the board an additional \$5.00 and submit 30 hours of CNE's to be considered for a reinstatement.
7. K. S. A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found to be guilty of violating the Kansas Nurse Practice Act
8. Your conduct described herein violates the Kansas Nurse Practice Act.
9. If the information provided is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request
10. 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

Kelly Arpin, L.P.N.  
Board Member

CERTIFICATE OF SERVICE

I certify that on the 2nd day of February, 2004, 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:

Talmadge Michael Stewart  
12254 South Highway 10  
Wyandotte, Oklahoma 74370



Betty Wright, Assistant Attorney General

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