

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

JUL 10 2014

**IN THE MATTER OF MANDIE MILLS HAWKINS**

KSBN

License No 14-99439-092

Case No. 13-2196-9

**SUMMARY ORDER**

NOW ON THIS 10<sup>th</sup> day of July, 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 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. This 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 1582 Road 170 Emporia, Kansas 66801-8215.
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 Newman Regional Health, Emporia, Kansas licensee improperly accessed the electronic medical records of One Hundred Thirty Four (134) patients.
  - (b) These incidents occurred the 5<sup>th</sup> day of March, 2013 through 11<sup>th</sup> of November, 2013.
  - (c) Licensee was terminated from her employment on the 13<sup>th</sup> day of November 2013.

(d) Licensee was contacted in a letter from the Investigator assigned to this case the 10<sup>th</sup> day of April, 2014 and she failed to respond.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by accessing patients records and failing to respond to investigators contact.

#### CONCLUSIONS OF LAW

a. K.S.A. 65 1120(a)(7) willfully and repeatedly violate provisions of Kansas Nurse Practices Act.

b. K.S.A. 65-1120(a)(3) unprofessional conduct in accessing of patient records KAR 60-3-110 (j) in violation of confidentiality of information or knowledge concerning any patient.

c. K.S.A. 65-1120 (6) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

6. 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.

7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

Count 1: K.S.A. 65 1120(a)(7) willfully and repeatedly violate provisions of Kansas Nurse Practices Act.

Count 2. K.S.A. 65-1120(a)(3) unprofessional conduct in accessing of patient records KAR 60-3-110 (j) in violation of confidentiality of information or knowledge concerning any patient.

Count 3: K.S.A. 65-1120 (6) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings do 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. Accessing confidential records of patients without authorization violates the public trust in violation of the Kansas Nurse Practice Act.
2. Failure to respond to the investigators letter shows complete disregard of the nurse's accountability.

#### **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**
2. **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, 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.

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

**CERTIFICATE OF SERVICE**

On the 10<sup>th</sup> day of July, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Mandie Mills Hawkins  
1582 Road 170  
Emporia, Kansas 66801-8125

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General