

BEFORE THE KANSAS STATE BOARD OF NURSING  
LONDON STATE OFFICE BUILDING  
900 S.W. JACKSON, ROOM 551-S  
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF:                    )  
  )  
DALLAS BOND                            )  
LICENSE NO. 23-018844-082)

CASE NO. 92-152-8



INITIAL ORDER

This matter comes on for Scheduling Hearing on the 5th day of August, 1994, before Terry E. Beck, Hearing Officer designated by the Board of Nursing to hear this matter in the Landon State Office Building, Room 108. The Petitioner appears by and through Assistant Attorney General Mark S. Braun, the Board's Disciplinary Counsel. The Respondent, Dallas Bond, appears in person, pro se.

The Hearing Officer inquires of the Respondent if he is Dallas Bond. The Respondent responds that he is. The Hearing Officer inquires of the Respondent if he has received the Notice of Proceedings which included the Petition, the Notice of Scheduling Hearing and the Notice of Hearing. The Respondent states that he has received the materials. The Hearing Officer informs the Respondent that he may be represented by an attorney in this matter. The Respondent informs the Hearing Officer that he will not be retaining an attorney. The Hearing Officer then inquires of the Respondent if he understands the nature of the allegations in the Petition and that any proceedings in this matter may affect his license to practice nursing in the State of Kansas. The Respondent indicates he understands the proceedings may affect his license.

The Hearing Officer inquires whether the Respondent admits or denies the allegations contained in the Petition. The Respondent denies the allegations. The Hearing Officer accepts the denial and schedules the matter for hearing at 1:00 p.m., August 18, 1994 in the Landon State Office Building, Room 106. The Hearing Officer notes for the record that this is the same date as the Notice of Hearing in the materials he received, but at a different time. The Hearing Officer then inquires of the Respondent if that is sufficient time in order for him to prepare for the hearing. The Respondent states he has sufficient time to prepare for the hearing. The matter is adjourned until the hearing date.

The above-captioned matter comes on for hearing on the 18th day of August, 1994, before Helen R. Rice, Hearing Officer designated by Kansas State Board of Nursing to hear this matter, in the Landon State Office Building, Room 106. The Petitioner appears by and through Assistant Attorney General Mark S. Braun, the Board's Disciplinary Counsel. The Respondent, Dallas Bond, appears in person, pro se. The Hearing Officer informs the Respondent of his right to counsel in these proceedings. The Respondent waives his right to counsel and proceeds on his own behalf.

The matter proceeds to hearing, whereupon the Hearing Officer inquires of both sides if they are ready for hearing. Petitioner states he is ready and that his witnesses are present. The Respondent states he is ready to proceed. The matter proceeds to hearing. The Hearing Officer inquires of the Respondent if he has any objections to the form of the Petition, notice of these

proceedings, the jurisdiction of the Board to hear this matter or the authority of the Hearing Officer to preside over this matter. Respondent states no objections. Whereupon, the Hearing Officer notes that the Notice of these proceedings was served on the Respondent on July 22, 1994; that more than ten (10) days have elapsed since service; that Respondent is a licensee of this Board and that the Board has jurisdiction over this Respondent and these proceedings.

Petitioner makes an oral motion for a protective order to protect the identity of the patients involved in this case. Petitioner seeks an order: that the patient referred to in Counts I, II and III, be identified as John Doe #1; that the patient referred to in Counts IV and V be identified as John Doe #2: that any medical or patient records used in these proceedings be redacted in the agency record, with the non-redacted copy sealed in the agency record; and that the sealed records not be opened without further order of this Board of court of competent jurisdiction. The Hearing Officer inquires of the Respondent if he has any objection to the requested protective order. Respondent states he has no objection. IT IS THEREFORE ORDERED THAT the patient referred to in Counts I, II and III, be identified as John Doe #; that the patient referred to in Counts IV and V be identified as John Doe #2: that any medical or patient records used in these proceedings be redacted in the agency record, with non-redacted copy sealed in the agency record; and that the sealed

records not be opened without further order of this Board of court of competent jurisdiction.

Whereupon, the matter proceeds to Hearing. The Hearing Officer places the Respondent under oath. The Hearing Officer inquires of the Respondent if he is Dallas Bond, the Respondent identified in the caption in the Petition. Respondent states that he is. The Hearing Officer informs the Respondent of his three options relating to the Petition as follows: the Respondent may contest the allegations and the matter would proceed to hearing to determine whether Respondent violated the Kansas Nurse Practice Act; the Respondent may admit the allegations in the Petition and the matter would proceed to disposition after a finding the Respondent violated the Nurse Practice Act; or the Respondent may neither contest nor admit the allegations in the Petition and the matter would proceed to disposition after the Petitioner presented a factual basis for the allegations and a finding Respondent violated the Kansas Nurse Practice Act was made. The Hearing Officer inquires of the Respondent if he understands his options. Respondent states that he understands his options and states that he is taking the first option - contesting the allegations.

WHEREUPON, the matter proceeds to hearing. Petitioner presents its case, calling the following witnesses on behalf of the Petitioner; Harry Holloway, Board investigator; Carole Pfeifer, L.P.N. Kansas Neurological Institute; Edith Bruce, L.M.H.T., Kansas Neurological Institute; Lori Beiter, Kansas Neurological Institute; Nialson Lee, R.N., Kansas Neurological Institute; and Joseph

Morlan, R.N., Kansas Board of Emergency Medical Services. Each of these witnesses was placed under oath, examined by the Petitioner, cross-examined by the Respondent and questioned by the Hearing Officer.

During the presentation of its case, the Petitioner sought and received admission of the following Petitioner's Exhibits: EXHIBIT #1 is a redacted copy of medical records of John Doe #1; EXHIBIT #2 is a redacted copy of medical records of John Doe #2; EXHIBIT #3 is a copy of the "Protocol for IV Maintenance" from the policies and procedures manual of KNI; EXHIBIT #4 is a copy of the "Protocol for Emergencies" from the policies and procedures manual of KNI; EXHIBIT #5 is a packet of material excerpted from a text, Nursing Procedures, which was delivered to Mr. Harry Holloway by the Respondent during the investigation of this case; EXHIBIT #6 is selected material excerpted from a nursing textbook, The Lippincott Manual of Nursing Practice, Fourth Edition; EXHIBIT #7 is a certified Journal Entry from Respondent's criminal conviction in Shawnee County District Court case No. 92CR-1619; EXHIBIT #8 is a redacted copy from the medical records of John Doe #2. The Petitioner moved for admission of Petitioner Exhibits 1-8. The Hearing Officer inquired if there were any objections. Respondent stated no objections and Petitioner's Exhibits 1-8 were admitted. After calling its witnesses and admitting all of its exhibits, Petitioner rested its case.

The Respondent presented his case. As his only witness, Respondent made his statements relating to the allegations in the

Petition. The Petitioner cross-examined the Respondent and the Hearing Officer questioned both witnesses. Respondent sought and received admission of Respondent's EXHIBIT #1, a redacted copy of a "Final Summary" from the medical records of John Doe #2; Respondent's Exhibit #2 is a copy of page and the cover sheet to "Pocket Nurse Guide - Basic Skills and Procedures; and Respondent's Exhibit #3 is a copy of a page and the cover from the Encyclopedia and Dictionary of Medicine, Nursing and Allied Health, Second Edition. The Respondent moved for admission of Respondent's Exhibits 1-3. The Petitioner stated no objection to the exhibits and the Hearing Officer admitted Respondent's Exhibits 1-3. After testifying and having his exhibits admitted, the Respondent rested.

WHEREUPON, the Hearing Officer inquired if either party had any other evidence to offer. Neither side offered any further evidence. The Hearing Officer then gave each party the opportunity for closing statements. Both sides presented a closing statement.

Whereupon, the Hearing Officer recessed the hearing for deliberation. The matter was reconvened. The Hearing Officer states that she, as Hearing Officer, utilized all exhibits that were presented in the hearing, along with all testimony, and based on such testimony and exhibits she makes the following Findings of Fact and Conclusions of Law:

#### FINDINGS OF FACT

1. Respondent is licensed in Kansas as a licensed practical nurse (L.P.N.), in the State of Kansas, having been issued license number 23-018844-082.

2. Respondent had no objection to the Hearing Officer's or Board's jurisdiction or authority to hear this case.

3. A copy of the Notice of Proceedings, which included the Petition, Notice of Scheduling Hearing and Notice of Hearing, was served upon Respondent at his last address known to the Board, 3720 S.W. 29th Street, Topeka, Kansas 66614, by depositing such in the U.S. Mail, first-class postage prepaid, on the 22nd day of July, 1994, which is more than ten (10) days prior to today's hearing date. Therefore, notice will be approved.

4. The notice of July 22, 1994, clearly states to Respondent that he has the right to seek legal counsel, and Respondent was advised of this right by the Hearing Officers at the August 5, 1994 Scheduling Hearing and at this August 18, 1994 hearing.

5. No legal counsel appeared on behalf of the Respondent.

#### COUNTS I, II AND III

6. A Protective Order has been issued in order to protect the identity of the patient referred to as John Doe #1.

7. Exhibit #1 indicates that John Doe #1 was given a physician's order for PRN (as needed) for Valium, 10 mg. per rectal push.

8. Respondent was aware of this Valium order as written.

9. Respondent had no specialized training in IV medication administration, nor was he approved by Kansas Neurological Institute, his employer, for IV administration.

10. Although Respondent testified that he administered normal saline by the IV route as a joke, he did not question any of the

Petitioner's witnesses during the hearing as to their understanding of his actions, nor did he mention the joke to the Board of Nursing investigators at any time during the investigation.

11. Multiple witnesses testified they saw the Respondent administer a clear to light yellow colored solution they thought to be Valium to John Doe #1 on May 3, 1992.

12. The Respondent admits normal saline is considered a "drug" if injected into the body, and should only be given by a an order.

13. The Respondent made the nursing decision to administer the PRN Valium 10 mg. per this patient's needs, yet testified he delayed such administration in order to play a joke first.

14. Respondent's testimony regarding his ability to administer the Valium 10 mg. per rectal route to this patient, without assistance is suspect for truthfulness when his own testimony was that John Doe #1 would usually thrash out with his arms at a time when this medication would be indicated. This testimony of his self administration without assistance is unrealistic when peers and other co-workers had already assisted by preparing the patient for the medication administration.

#### COUNTS IV AND V

15. A Protective Order has been issued in order to protect the identity of the patient referred to as John Doe #2.

16. John Doe #2 had known respiratory related difficulties as a result of medical or physical difficulties.

17. John Doe #2 was, by all evidence and testimony, found to be in acute respiratory distress on May 24, 1992.



18. Respondent testified he assessed and then diagnosed John Doe #2 to have a COPD-type (chronic obstructive pulmonary disease) condition. This diagnosis was beyond the scope of his practice or knowledge.

19. Respondent has no specialized training in assessment or treatment of respiratory conditions.

20. Respondent testified that on May 24, 1992, he initiated "diaphragmatic stimulation" on John Doe #2, during this time of crisis, instead of following established policies and procedures of KNI, which were to administer oxygen to patients in such distress.

21. Respondent's actions prevented other from following established facility policies and procedures of administering oxygen in this situation. Those policies were established to protect or safeguard patients.

22. Respondent has not provided any medical literature or other information on the subject of "diaphragmatic stimulation."

23. Respondent's conduct in attending to John Doe #2 was deliberate and willful.

#### CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction over this Respondent by virtue of his license to practice as a licensed practical nurse (L.P.N.) in the State of Kansas.

2. The Board of Nursing has jurisdiction over the subject-matter of this proceeding by virtue of the Board's authority to take disciplinary licensure action pursuant to K.S.A. 65-1120.

3. Respondent appears in person. Respondent has knowingly and understandingly waived his right to counsel.

4. Pursuant to K.S.A. 77-514, the Board of Nursing may designate a Hearing Officer to preside over these proceedings.

5. Pursuant to K.S.A. 65-1120(a), the Board of Nursing may deny, revoke, limit, suspend, or publicly or privately censure the license of an applicant or licensee if the applicant or licensee is found to have committed any of the violations identified in K.S.A. 65-1120 (a) (1)-(8).

6. K.S.A. 65-1120(b) authorizes the Kansas State Board of Nursing to conduct all proceedings in accordance with provisions of the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

7. Notice of this proceeding and service of the notice were done in accordance with the requirements of the Kansas Administrative Procedures Act and the Kansas Nurse Practice Act, and therefore are found to be proper.

8. As to Count I of the Petition, Respondent is found to be in violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., specifically K.S.A. 65-1120(a)(6), guilty of unprofessional conduct as defined by the rules and regulations of the Board, specifically K.A.R. 60-3-110(1), committing an act beyond the level of nursing for which the Respondent is licensed by altering the route of the medication as ordered and by giving the saline injection without a physician's order.

9. As to Count II of the Petition, Respondent is found to be in violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et

seq., specifically K.S.A. 65-1120(6), guilty of unprofessional conduct, as defined by K.A.R. 60-3-110(3), failing to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient by giving an IV medication as an LPN in violation of KNI policies and procedures.

10. As to Count III, Respondent is found to be in violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., specifically K.S.A. 65-1120(a)(6), guilty of unprofessional conduct as defined by the rules and regulations of the Board, specifically K.A.R. 60-3-110(4), inaccurately recording, falsifying, or altering the record of a patient or agency

11. As to Count IV, Respondent is found to be in violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., specifically K.S.A. 65-1120(a)(6), guilty of unprofessional conduct as defined by the rules and regulations of the Board, specifically, K.A.R. 60-3-110(3), failing to take appropriate action or to follow policies and procedures in a practice situation designed to safeguard the patient by delaying, and then interfering with, the administration of oxygen to John Doe #2.

12. As to Count V, Respondent is found to be in violation of the Kansas Nurse Practice Act, K.S.A. 65-1120 et seq., specifically K.S.A. 65-1120(a)(3), professional incompetency as defined by K.S.A. 65-1120(e)(1), committing one or more instances involving a failure to adhere to the applicable standard of care to the degree of gross negligence as defined by the Board by initiating

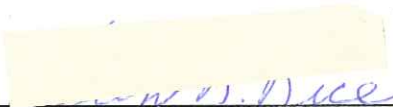
"diaphragmatic stimulation" on John Doe #2. That procedure was shown not to be medically acceptable, nor is it within the acceptable standard of care.

8. The Petitioner has proven by substantial evidence that the Respondent, Dallas Bond, has violated provisions of the Nurse Practice Act, K.S.A. 65-1113 et seq., its amendments, rules and regulations as alleged in the Petition in Counts I-V.

**ORDER**

Based upon the preceding Findings of Fact and the Conclusions of Law, **IT IS ORDERED** that the Respondent's license to practice in Kansas as a licensed practical nurse (L.P.N.) is hereby **Revoked**. Further, the costs of this proceeding are to be paid by the Respondent.

**IT IS SO ORDERED**

  
HELEN R. RICE  
HEARING OFFICER

**NOTICE REGARDING RELIEF FROM THIS ORDER**  
**STATEMENT OF APPEAL RIGHTS**

This is an Initial Order. The parties to whom this Initial Order is issued may file a petition for review with the Agency Head within fifteen (15) days after service of this order. The petition for review must state the specific grounds upon which relief is requested. Unless a later date is stated within the Initial Order,

