

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

Filed
NOV 12 2003
Board of Nursing

IN THE MATTER OF THE LICENSE OF
LINDA HAMM
LICENSE NO. 24-019768-061

CASE NO. 01-465-4, 01-752-4

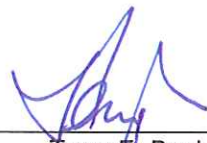
PROPOSED DEFAULT ORDER
REVOKING LICENSE

NOW ON THIS 12th day of November, 2003, petitioner appears by disciplinary counsel, Betty Wright, for a pre-hearing conference on the petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent was licensed as a L.P.N. through 6/30/2003 when her license lapsed. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking the respondent's license.
4. The petition is hereby granted and incorporated into this order as if set forth herein.
Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas.
6. Respondent shall pay the costs of the action of \$70.
7. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

IT IS SO ORDERED



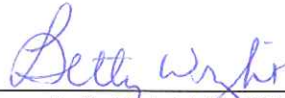
Terry E. Beck
Hearing Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board at:

State Board of Nursing –Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230

within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.

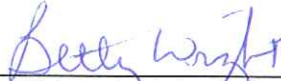


Betty Wright #14785
Disciplinary Counsel
900 S.W. Jackson, Suite #1051
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 12 day of November, 2003, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to:

Linda Hamm
2812 Washington
Parsons, Kansas 67357



Betty Wright, Assistant Attorney General

Filed

APR 11 2003

Board of Nursing

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CASE NO. 01-465-4 & 01-752-4

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice nursing through 6/30/2003.
2. Respondent's address of record is 2812 Washington, Parsons, KS 67357.
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. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.
5. Respondent has violated the provisions of K.S.A. 65-1120 and is guilty of unprofessional conduct as defined by rules and regulations of the Board due to her failure to respond to legal requests by the Board for information.

FACTS COMMON TO ALL COUNTS

Case No. 01-465-4 On or about 7/30/01, while working at Larned State Hospital respondent physically abused a patient by attempting to push and pull the patient out of her chair and yelling at the patient to leave the room. The patient was at the time being supervised by other

staff and the respondent indicated that the patient, who is supposed to be supervised while eating to monitor her food intake, was "feeding" off of the one on one attention she received from the staff.

The incident was investigated by the Kansas Board of Nursing and was presented to the Investigative Committee on December 3, 2001. It was the decision of the committee to ask the respondent to obtain three (3) hours of Continuing Nurse Education (CNE) on Nursing Ethics; three (3) hour on Patient Rights; and three (3) hours on Conflict Resolution. The Board requested the respondent forward the **original** certificates of the Continuing Nurse Education certificates and the respondent agreed in December of 2001 to complete the CNE's on Nursing Ethics; Patients Rights; and Conflict Resolution. The respondent has not completed them after agreeing to do so. The board has contacted the respondent several times about completion of the hours and has provided information about the providers.

Case No. 01-752-4 Between approximately 5/01/01 and 12/12/01, while working at Larned State Hospital, respondent verbally abused several patients. The respondent told a patient, who has a fear of being poisoned, "Let's go get your poison". The respondent was referring to the patient's medication. Respondent was also overheard to tell this same patient, when he asked her if his medication had been poisoned, that she could put poison in it if he wanted her to. Respondent has been verbally abusive to patient's who have asked for assistance, such as a patient who soiled his pants, and referred to another patient as a wooden Indian. Respondent has forcibly removed a patient's dentures, and has failed to change a patient's diaper. Respondent has yelled at staff and patients and staff complains that the respondent appears to be more abusive to patients who are less able to function on their own.

COUNT I

Respondent has violated K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the Board;

COUNT II

Respondent has violated K.A.R. 60-3-110(e), physical abuse , which shall be defined as any act or failure to act performed intentionally or carelessly that causes or is likely to cause harm to a patient. This term may include any of the following; . . .(3) 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 III

Respondent has violated K.A.R. 60-3-110(g) 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 be expected to result in the patient's unnecessary fear, emotional distress, or mental distress;

COUNT IV

Respondent has violated K.A.R. 60-3-110(j) violating the confidentiality of information or knowledge concerning any patient;

COUNT V

Respondent has violated K.A.R. 60-3-110(r) failing to comply with any disciplinary order of the Board;

WHEREFORE, petitioner requests a finding that the respondent has violated the nurse practice act, that sanctions against and/or revocation of respondent's license, for failure to complete the discipline respondent agreed to and to provide originals of the CNE Certificates. Costs of this action should be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Phill Kline
Attorney General

By: _____


Alma A. Heckler
Assistant Attorney General

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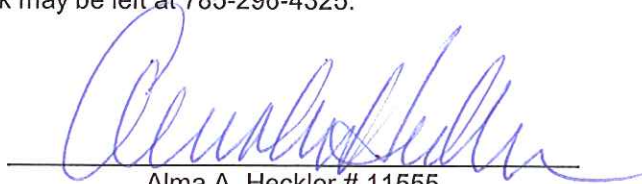
NOTICE OF PRE- HEARING CONFERENCE

Please find enclosed a pleading filed with the Board regarding your license or application for a license. The Board has the authority under the Nurse Practice Act, K.S.A. 65-1113 *et seq.*, to convene these proceedings which are conducted in accordance with the Administrative Procedure Act, K.S.A. 77-501 *et seq.*

A pre-hearing has been set for June 25, 2003, at 10:30 am, or as soon thereafter as time permits, before Terry Beck, an impartial hearing officer, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka, Kansas. You may appear in person or you may retain an attorney to represent you. This pre-hearing may be held by telephone if you make prior arrangements with the disciplinary counsel.

The purpose of the pre-hearing is to address settlement possibilities, subpoenas, discovery, and other matters necessary on the pleading filed. The proceeding, without further notice, may be converted into a conference hearing or a summary proceeding for disposition. If you fail to attend or participate in a conference, hearing, or other stage of an adjudicative proceeding, you may be held to be in default and a proposed default order may be issued granting petitioner's request. If you need to request a continuance, please do so in writing.

You may file a letter or pleading with the Board at the address listed in the caption above. The Board fax no. is 785-296-3929. A message for Mr. Beck may be left at 785-296-4325.



Alma A. Heckler # 11555
Assistant Attorney General
785-296-4325

CERTIFICATE OF SERVICE

On the 11th day of April, 2003, I deposited a copy of this notice and the above-referenced pleading with the United States Postal Service, postage pre-paid, addressed to: Linda Hamm at 2812 Washington, Parsons, KS 67357.



Alma A. Heckler # 11555
Assistant Attorney General
Kansas State Board of Nursing
900 S. W. Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-4325