

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JAN 29 2014

KSBN

IN THE MATTER OF

MIRIAM BOUNDS

License No. 24-40095-021(Reinstatement)

Case No. 12-709-7

SUMMARY ORDER

Now this 28th day of January, 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 proposes to find facts and take disciplinary action against the Licensed Practical Nurse (LPN) Reinstatement Application of Miriam Bounds, (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant let her LPN nursing license lapse on or about 2/28/2013. She filed a reinstatement application on or about April 9, 2013. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Applicant's address of record is 9305 E. 64th Terr., Raytown, Missouri, 64133.

(c) Applicant was employed from 11/1/2011 to 7/7/2012 by Correct Care Solutions and assigned to the Wyandotte County Corrections. She was terminated on or about 7/7/2012 and reason given was "unable to perform essential job function".

(d) Applicant had several warnings and instances of poor performance were documented in her personnel file to include the following:

(1) In February 2012 an inmate had an order for Lithium but the Applicant gave the inmate Librium 300 mg. Inmate was sent to the hospital and dose was potentially lethal.

(2) Applicant failed to sign off of Medication Administration Reports (MAR) at 1700 and 2100 on 5/20/2012. Applicant did not sign until 6/4/2012.

(3) Applicant failed to fill out the 5/24/2012 through 5/27/2012 juvenile shift reports and information was unavailable to give to staff at the Monday morning staff report.

(4) Applicant obtained an order for insulin for an inmate but no telephone orders were written and no insulin units were recorded on flow sheet.

(5) Inmate came in on 6/15/2012 and an order was written to start medication administration to begin on 6/17/2012 but Applicant gave the medication on 6/15/2012.

(6) Inmate arrived on 6/27/2012 with an order to administer clonidine 0.1 mg; order sheet and MAR had Klonopin 0.1mg listed by Applicant. Applicant admitted she wrote down the wrong drug.

(7) 7/30/2012 orders were written for second treatment. Applicant opened a tube of the medication on or about 7/7/2012 and put half of the medication into 5 medicine cups. Applicant documented she did not know what the cream was for or how to apply it.

(e) The Board reviewed the investigation completed by the board investigator and asked the Applicant by letter dated June 21, 2013 to complete two hours of Continuing Nurse Education (CNE) on the Kansas Nurse Practice Act and at least six (6) hours on Medication Administration (non-medical errors). Applicant had 90 to complete the education.

(f) The Applicant responded in writing on July 8, 2013 and agreed to complete the education. The board confirmed her agreement and by letter dated July 9, 2013 told the Applicant the original certificates must be received by the board by October 5, 2013.

(g) The board has not received the certificates. The Applicant has failed to comply with the agreement she made with the Board and to submit proof of her completion of the education by October 5, 2013.

(h) The Kansas Board requests that the Applicant's application for reinstatement be denied.

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)(3), to have committed an act of professional incompetency as defined in subsection (e)(1); one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;

(b) K.S.A. 65-1120(a)(6), unprofessional conduct, by 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(c).

3. Applicant's conduct described herein violates the Kansas Nurse Practice Act.

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 if the use of summary proceedings does not violate any provision of law, 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, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

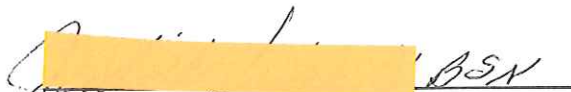
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

1. Applicant's application to reinstate is denied.
2. Applicant shall not practice nursing in the state of Kansas.
4. Applicant shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective date of this Order.

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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.



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

29th CERTIFICATE OF SERVICE

I certify that on the 29th day of January, 2014, 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:

Miriam Bounds
9305 E. 64th Terrace
Raytown, Mo. 64133



Alma A. Heckler, #11555
Assistant Attorney General