

*KBN*Nursing **CONNECTION**

Summer **2010** | Edition 24

*It is time to renew your nursing license
and/or ARNP/SANE credential for 2010.*

See page 16 for renewal information.
Renewal reminder postcards will NOT be mailed.

2010 **ANNUAL** License Renewal

ANNUAL



RENEWAL

OFFICIAL RENEWAL NOTICE
RENEWAL DATES:
Sep. 15 - Oct. 31, 2010

Advance your career and the future of nursing

Doctor of Nursing Practice (DNP)

Select from two tracks:

ADVANCED PRACTICE NURSING (*focus on care of individuals*)

LEADERSHIP (*focus on systems/organizations*)

- Post-Masters, part-time program
- Program delivery will be a blend of in-class, online and clinical experiences

Priority application deadline for the Spring 2011 semester is October 1, 2010

Master of Science in Nursing (MSN)

Select from three tracks:

ADMINISTRATION AND EDUCATION TRACKS:

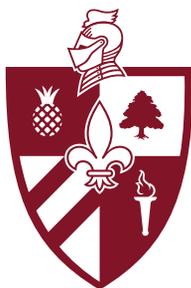
- Part-time programs that can be completed in as few as 30 months
- Program delivery is a blend of weeknight and weekend class meetings
- Practicum experiences individualized to meet your educational and career goals
- The typical student who is also working full-time enrolls in two courses per semester

Now accepting applications for the Spring 2011 semester

FAMILY NURSE PRACTITIONER TRACK:

- Can be completed in one year full-time or two years part-time
- Core courses meet for a full day on Mondays and Tuesdays each semester
- Students complete 720 hours of supervised clinical experience

Priority application deadline for the Fall 2011 semester is February 15, 2011



*Be sure to check with
your employer about tuition
reimbursement.*

BELLARMINE UNIVERSITY
IN VERITATIS AMORE

For more information about these programs, please call the Office of Graduate Admission
at 502.272.7200 or visit www.bellarmine.edu/lansing.

KBNursing CONNECTION

Summer 2010, Edition 24

Published by the
Kentucky Board of Nursing

312 Whittington Pky., Ste 300
Louisville, KY 40222-5172

Phone: 800-305-2042 or 502-429-3300

Fax: 502-429-3311

Web Address: <http://kbn.ky.gov>

KBN MISSION

It is the mission of the Kentucky Board of Nursing (KBN) to protect public health and welfare by development and enforcement of state laws governing the safe practice of nursing.

EXECUTIVE DIRECTOR:

Charlotte F. Beason, EdD, RN, NEA

BOARD MEMBERS:

Carol Komara, RN - President

Sally Baxter, RN - Vice-President

Gail I. Wise, RN - Secretary

Sonia Rudolph, ARNP - Financial Officer

Patricia Birchfield, ARNP

Christe S. Coe, ARNP

Jamie D. Daniel, LPN

Ann Fultz, LPN

Jann B. Gilliam, Citizen-at-Large

Cheryl Hickman, RN

Susan Mudd, RN

Elizabeth Partin, ARNP

Deborah Phillips, LPN

Anita F. Simmons, Citizen-at-Large

Anne H. Venno, RN

EDITORIAL PANEL:

Deborah Phillips, LPN, Chair

Christe Coe, ARNP

Ann Tino, RN

EDITOR:

Carrie Driscoll

CONSULTANT:

Sue Derouen, RN

KBN does not necessarily endorse advertisements contained herein. The publisher reserves the right to accept or reject advertisements for the KBN Connection.

Information published in the KBN Connection is not copyrighted and may be reproduced. KBN would appreciate credit for the material used. Direct questions or comments to KBN (KBNWebmaster@ky.gov).

RETIRING? If you are retiring and will not be keeping an active license status, and would like to continue receiving the KBNursing Connection, please send a request via email (kbnwebmaster@ky.gov). Be sure to include your name, license number and mailing address.



CREATED BY: Publishing Concepts, Inc.

Virginia Robertson, Publisher
vrobertson@pcipublishing.com

ThinkNurse.com

FOR ADVERTISING INFORMATION:

Michele Forinash

mforinash@pcipublishing.com
501.221.9986 or 800.561.4686 ext 112



Contents

Summer 2010 Edition 24

- 5 Executive Director's Message
- 7 President's Message

8 Practice Corner

10 Furlough Office Closures

10 KARE for Nurses Program
Confidentiality Changes

Statistics Corner

As of July 28, 2010, KBN records show:

RN Active: 56,493

LPN Active: 14,887

Adv. Reg. Nurse Practitioners: 3,979

Dialysis Technicians Active: 540

SANE Active: 234



KBN Connection circulation
includes over 70,000
licensed nurses and nursing
students **in Kentucky.**

12 Missouri Implements the
Nurse Licensure Compact

13 Consumer Protection Corner

14 Sexual Assault Exams:
Change in Reporting
Requirements

16 Licensure Corner
RENEWAL NOTIFICATION

18 Continuing Competency
FAQs

22 Disciplinary Actions

25 Highlights of Board Actions

30 APRN Consensus Model:
Frequently Asked Questions



Be Part of the Best



Magnet status from the ANCC symbolizes our commitment to nursing excellence.



Named to Modern Healthcare magazine's 2009 Top 100 Best Places to Work in Healthcare for building a culture in which employees are supported and engaged.



Recognized among the Best Places to Work in Kentucky for creating an environment in which employees are encouraged and committed to compassionate care.



This is care.

HEART CARE CANCER CARE STROKE CARE SPINE CARE ORTHOPAEDIC CARE WOMEN'S CARE CHILDREN'S CARE

1740 Nicholasville Road • Lexington, KY 40503 • www.centralbap.com

EXECUTIVE DIRECTOR'S MESSAGE



POST-SUMMER CHALLENGES

I'm not certain how it happened, but summer will arguably be over when you receive this edition of the *KBNursing Connection*. Summer was a very busy time for Board members and staff because we encountered a number of challenges, and those challenges will carry into the Fall and Winter.

With the state's budget shortfall, the KBN budget faces a transfer of over \$100 thousand to the General Fund. In addition, the Board's annual teaching Board Meeting, scheduled for August 25, was cancelled due to budget concerns. This was to have been our first effort of broadcasting a Board meeting across the state -- a goal we still hope to attain.

An additional step taken by the Governor to decrease the budget shortfall will be to close state government offices on certain days and to furlough state employees for a total of six days. Here at KBN, we will make every effort to minimize a disruption in our services. As ever, it is important that you regularly check the KBN website (www.kbn.ky.gov) for up-to-date information on office closures or other changes in service. The KBN staff will continue to seek out cost efficiencies and recently completed plans to convert the applications for all services to an electronic format.

KBN Board members and staff continue to take part in the activities of the Kentucky Nurse Capacity Coalition (KNCC) – a group made up of educators, employers, government officials, legislators and non-profit entities formed for the purpose of increasing nursing capacity in the state. KBN will partner with KNCC to present an educational program that highlights the group's efforts. The topics presented will be geared to both education and nursing service. We hope many of you will be able to attend and will mark Friday, October 8 on your calendar.

The KBN staff began implementation of several laws passed by the General Assembly – HB 179, SB 127, and HB 285. Each had provisions that impact nurses and the nursing profession. These new statutes became effective July 15, 2010. At that time, KBN wrote regulations that would operationalize the statutes. After Board approval the regulations were filed, posted for public comment and will be reviewed by legislative committees. It is our estimate that these regulations will take effect in January 2011. Among the changes are implementation of criminal background checks, KBN oversight of Master's degree and Doctor of Nursing Practice programs and a title change from Advanced Registered Nurse Practitioner to Advance Practice Registered Nurse.

One bittersweet moment for KBN was saying farewell to Maria Wheat as she began her retirement. Maria was supervisor of the Administrative Services Section and a 25-year employee of the Board. KBN thanks her for her many contributions and service, and we wish her health and happiness for the future.



Maria Wheat

Having listed our summer activities, I now realize why the season passed so quickly. It was a busy time! Now, however, we are looking forward to the Fall where we can be certain of continued challenges and continued progress; and, through all of our activities, we also appreciate the continued support of Kentucky's nurses.

Charlotte F. Beason, Ed.D., RN, NEA



Announcing our RN to BSN

The longest tenured nursing program in Kentucky, now offers an RN to BSN to better serve the needs of today's nurses.

Flexibility for the Working RN

Spalding's RN to BSN nursing courses can be completed in one year. Begin your BSN at any time during the academic year.

Format

Classes meet three Saturdays per six-week session. You'll benefit from the convenience of at-home learning via Blackboard combined with the shared educational experience that can only be achieved in the classroom.

Affordable

Offered in the Adult Accelerated Program (AAP) at a lower tuition rate, making it more affordable to advance your career.

Upward Mobility

Program meets the needs of today's nurses, allowing you to seek upward mobility and provide your patients with higher quality care.

Over 75 Years of Nursing Excellence

*For more information contact: Lynn Askew, MSN, RN, Director - RN to BSN
(502) 585-9911 x 2846 / laskew@spalding.edu*



Nick Salansky
Nursing Student



What do You want out of life?

www.spalding.edu • facebook.com/spaldinguniversity



PRESIDENT'S MESSAGE

It is both my honor and privilege to serve as the new president for the Kentucky Board of Nursing for 2010-2011. This year, as we resume activities, there are many challenges facing the Board of Nursing. Throughout the year, I plan to highlight issues your Kentucky Board of Nursing is facing and discuss trends and any new regulations that affect nursing and the general public.

Other officers elected to serve with me this year are:

Sally Baxter, RN, Vice President

Gail Wise, RN, Secretary

Sonia Rudolph, ARNP, Financial Officer

I would be remiss if I didn't acknowledge the service of our past president, Jimmy Isenberg, who has been the Board's president for five of his eight years as a Board member since his first appointment in 2002. Jimmy has been an excellent leader and a visible Board president. He has represented the Board in many settings, always reminding constituents of the KBN's mission.

As most of you know, the governor makes appointments to the Kentucky Board of Nursing for a term of four years. We expect to hear by August of the new appointments and/or reappointments. Meanwhile, along with my fellow Board members, I would like to thank the outgoing members who have served diligently these past four years:

Jimmy Isenberg, PhD, RN – PN Educator

Representative from KSALPN

Christe Coe, ARNP – KNA Practice Representative

Susan Mudd, MSN, RN – KNA ADN Representative

Deborah Phillips, LPN – KSALPN LPN Representative

Ultimately, as I assume this role, along with my fellow Board members, I am reminded that the Kentucky Board of Nursing's charge is to protect the public health and welfare for the citizens of the Commonwealth. As confirmed in our mission statement, we do so through the "development and enforcement of state laws governing the safe practice of nursing, nursing education, and credentialing."

We are often asked, who constitutes the public? In

keeping with our mission statement, first and foremost are the consumers of nursing care and their families who interact with those administering nursing care in the Commonwealth of Kentucky. Also included are all nurses, both RNs and PNs in varied practice settings, as well as students and those responsible for administering the nursing education programs approved by the Kentucky Board of Nursing.

Let me assure you, the members of the Board take their responsibility seriously. By serving on various committees, Board members are involved with decisions that impact policies and regulations governing the broad scope as stated in our mission. Please remember that all Board meetings and meetings of committees are open to the public. We welcome your presence, thoughts and ideas. Please check the KBN website for meeting dates and times (<http://kbn.ky.gov/board>).

The Kentucky Board of Nursing is a member board of the National Council for State Boards of Nursing (NCSBN). We work collaboratively, but independently, with NCSBN to promote regulatory excellence for patient safety and public protection. In August, Dr. Patricia Birchfield (KBN ARNP Board member) and I will represent the KBN at the NCSBN's national conference. Attending, also, will be our Executive Director Charlotte Beason and other staff. Stay tuned for a report that I will share related to issues at a national level that could affect nursing practice in Kentucky. This year's theme is "Pioneering the Path to Public Protection."

In closing, let us remember that conformance to our regulations affect the quality of safe practice of nursing, nursing education and credentialing. Therefore, all parties affiliated with nursing share in knowing and acting appropriately for what best serves the citizens of the Commonwealth.

Carol A. Komara, RN, MSN

New Advisory Opinion Statement: AOS #38 Facilitation of Self-administration of Medications in a Non-healthcare Setting

REQUEST FOR OPINION

The purpose of the Advisory Opinion Statement is to define facilitation of self-administration of medications for a location whose purpose is not healthcare.

INTRODUCTION

The Kentucky Board of Nursing is authorized by Kentucky Revised Statutes (KRS) Chapter 314 to regulate nurses, nursing education and practice, and to issue advisory opinions on nursing practice, in order to assure that safe and effective nursing care is provided by nurses to the citizens of the Commonwealth.

This AOS is written to provide an opinion on when the facilitation of self-administration of medication is permissible in a non-health care setting and would not constitute the practice of nursing.

ADVISORY OPINION

Facilitation of self-administration of medication means the individual (or

the individual's guardian, healthcare surrogate, or attorney-in-fact as appointed by a durable power of attorney to make health care decisions for the individual) has executed a written consent designating the persons or entities authorized to prepare or direct the individual's medications and authorizing the facilitation of self-administration of medications which shall be limited as follows:

- (a) An individual's medication shall:
 - (1) Be prepared in accordance with the direction of the individual's designated representative or a licensed health-care professional.
 - (2) Except for ointments, be preset in a medication organizer or be a single dose unit; and
 - (3) Include the individual's name on the medication organizer or container in which the single dose unit is stored.
- (b) An unlicensed assistive personnel may:
 - (1) Remind an individual when to take medications and observe to ensure that the individual takes medication as directed.
- (2) Hand the individual's medications to the individual. If the individual is unable to open the medication, the person may open the unit dose or medication organizer, remove the medication from a medication organizer, and close the medication organizer for the individual.
- (3) Assist an individual in consuming oral medication, including tablets, capsules, or liquid medication, by:
 - a. Following the written instructions of the individual's designated representative or licensed healthcare professional for how to enable the individual to take his or her medication;
 - b. Placing the dose in a container and placing the container to the mouth of the individual; or
 - c. Placing the medication in the individual's hand or mouth.
- (4) Steady or guide an individual's hand while applying ointments.
- (c) Facilitating the self-administration of medication shall **NOT** include:
 - (1) Instilling eye, ear, or nasal drops;



A hospital where caring for patients begins with caring for nurses.

A hospital asks a lot of its nurses. It asks them to manage the medical needs of multiple patients, to put in long hours and to do it all with a smile. For all of this, what does a hospital give in return? At Western Baptist Hospital, nurses enjoy competitive salary and benefits, on-site day care, generous shift differentials and tuition reimbursements.

You got into nursing because you believe in healing and taking care of people. Visit westernbaptist.com or phone (270) 575-2727 to learn more about a hospital that will take care of you.

WESTERN BAPTIST HOSPITAL
westernbaptist.com

Midway College nurses work

Health Care degree programs:

- Health Care Administration
 - Associate Degree Nursing
 - Traditional ADN day program
- Accelerated evening ADN designed for working adults
- RN-BSN
NEW! 12 month Blended Online and in-seat RN-BSN Program

New Online Programs

- Medical Coding
- Medical Assisting



MIDWAY
College

Find out how Midway College can work for you!
Campus Admissions 1-800-639-8725
Online Admissions 1-800-952-4122
www.midway.edu

Midway College is an equal opportunity institution.

- (2) Mixing, compounding, converting, or calculating medication doses;
- (3) The preparation of syringes for injection or the administration of medications by any injectable route;
- (4) Administration of medications through intermittent positive pressure breathing machines or nebulizers;
- (5) Administration of medications by way of a tube inserted into a cavity of the body;
- (6) Administration of parenteral preparations;
- (7) Administration of irrigations or debriding agents used in the treatment of a skin condition; or
- (8) Administration of rectal, urethral, or vaginal preparations.

DETERMINING SCOPE OF PRACTICE:

Advisory opinion statements are issued by the Kentucky Board of Nursing as a guidepost to licensees who wish to engage in safe nursing practice. As such, an opinion statement is not a regulation of the Board and does not have the force and effect of law.

Approved: 4/2010

COMING SOON: Changes in Administrative Regulation 201 KAR 20:470, Dialysis technician credentialing requirements and training program standards

The Kentucky Board of Nursing (KBN) has revised 201 KAR 20:470, the Administrative Regulation governing Dialysis Technician credentialing. The changes went into effect in mid July, but the Board has not set a definite implementation date; a January 2011 date is being considered. The changes involve the necessity of providing a criminal records report from the Kentucky Administrative Office of the Courts, Courtnet Disposition Systems for all applicants for credentials. This report will also be a requirement for Dialysis Technicians who are seeking reinstatement after their credentials have lapsed for more than one credentialing cycle.

KBN is also planning administrative regulation changes that will require the submission of a completed Federal Bureau of Investigation (FBI) Fingerprint Card for applicants seeking credentials and for individuals seeking reinstatement after the credential has lapsed for more than one credentialing cycle.

KBN will have additional information regarding these changes in future issues of the KBN Connection and on the KBN website (www.kbn.ky.gov). KBN will also notify training programs of the implementation date regarding the regulation changes. The Board plans to conduct an educational meeting regarding the changes for all training programs later this year.

You may view some of the regulation changes on the Legislative Research Commission’s website (<http://www.lrc.state.ky.us/kar/201/020/470.htm>).

Please contact Sharon Eli Mercer, Nursing Practice Consultant, at 502-429-3307 or SharonE.Mercer@ky.gov if you have any questions.

Summary of changes for 201 KAR 20:490 “Licensed practical nurse intravenous therapy scope of practice”

Effective June 15, 2010, changes in the Administrative Regulation related to the scope of practice of the licensed practical nurse became effective. A summary of the substantive changes follows. A copy

continued on next page >>

NAVY NURSE CANDIDATE PROGRAM

- Be enrolled full-time / accepted into a Nursing Program
- Completed the second year of Baccalaureate
- A cumulative grade point average (GPA) of 3.0 or higher
- \$1,000 per month for 2 years
- Be a full time student
- Dual Profession: Nurse and Naval Officer
- Excellent Pay & Benefits
- Fully - funded opportunities for specialization
- Focus on quality of care
- Travel opportunities

PSYCHIATRIC NURSING

PERIOPERATIVE NURSING

ANESTHESIA

MENTAL HEALTH NURSE

100% TUITION & \$20,000 LAB FEES & BOOKS

NEED A SCHOLARSHIP?

800-282-1288 or mill_cnrc_lpt_ohio@navy.mil

<< **PRACTICE continued from previous page**

of the entire Administrative Regulation can be found on the Legislative Research Commission's website (<http://www.lrc.state.ky.us/kar/201/020/490.htm>).

NEW LANGUAGE	PREVIOUS LANGUAGE
Definitions: Section 1(8) " Intravenous access device" means either a peripheral access device or a central venous access device	No previous definition of intravenous access device
Standards of Practice: Section 4(2) added... physician, physician assistant, dentist, or advanced practice registered nurse	deleted "other appropriate individual" – clarified with whom LPN shall consult and seek guidance
Functions that may be performed: Section 5(11)(a) added: Performance of Dialysis Treatment including: (a) Administering Heparin 1:1000 units or less concentration either to prime the pump, initiate treatment, or for administration throughout the treatment, in an amount prescribed by a physician, physician assistant or advanced registered nurse practitioner. The licensed practical nurse shall not administer Heparin in concentrations greater than 1:1000; and (b) Administering normal saline via the dialysis machine to correct dialysis-induced hypotension based on the facility's medical protocol. Amounts beyond that established in the facility's medical protocol shall not be administered with direction from a registered nurse or physician	added language from Advisory Opinion Statement #21 in order to be consistent with dialysis technician practice
Functions that may be performed: Section 5(12) added ...from a peripheral IV access device	clarifying language - on collection of blood specimens
Functions that may be performed: Section 5(15) added: Administration of peripheral intravenous medications via a volumetric control device	added language from former Advisory Opinion Statement #3
Functions that may be performed: Section 5(16) added: Administration of intravenous medications or solutions via a ready-to-mix intravenous solution infusion system	added language from former Advisory Opinion Statement #3
Functions that may be performed: Section 5(17) added: Aspiration of a central venous catheter to confirm patency via a positive blood return	added language from former Advisory Opinion Statement #3

KBN FURLOUGH OFFICE CLOSURES

By Sue Derouen, RN, *Operations Manager*

The Kentucky Board of Nursing (KBN) will be affected by the furloughs announced by Governor Beshear for all Executive Branch employees. The KBN staff will be furloughed for a total of six days during Fiscal Year 2011 (Jul. 1, 2010 – Jun. 30, 2011) as part of the budget reduction plan set forth by the General Assembly in the recent special session.

The Governor has identified the following three days on which the KBN office will be closed:

- **Friday, September 3, 2010**
- **Friday, November 12, 2010**
- **Friday, May 27, 2011**

As with routine weekend online transactions, all online services will be available on furlough days. Renewal and applications for endorsement, reinstatement or initial licensure will not be fully processed until staff return to work.

In addition to the above closures, KBN must plan for furloughs in October 2010, March 2011 and April 2011. Additional information will be published as it becomes available in the KBNursing Connection and on the KBN website (www.kbn.ky.gov/furlough.htm).

KARE for Nurses Program Confidentiality Changes

by Paula S. Schenk, MPH, RN, *KARE for Nurses Program Manager and Compliance Section Supervisor*

Effective July 15, 2010, the KBN will begin verifying participation of licensees in the KARE for Nurses Program. This is in accordance with KRS 314.171 (10), which went into effect July 15, 2010, and states as follows:

Notwithstanding any other provision of law to the contrary, the board shall disclose the fact of a nurse's participation in the alternative to discipline program to the public. No information other than the nurse's participation in the alternative to discipline program shall be disclosed.

This change stems from the Board's fundamental and paramount duty of public protection. The Board will acknowledge only the nurse's participation in the KARE for Nurses Program. This notice is only being made available via the Board's online verification system. It will not be published in the Board's newsletter (*KB Nursing Connection*) or any other periodical. All information including but not limited to reports, memoranda, statements, interviews or other documents either received or generated by the Program shall remain privileged and confidential.

Participants admitted to the KARE for Nurses Program before July 15, 2010 shall be given an option as to whether they sign a Waiver of Confidentiality granting permission to the Board to provide online verification of their participation in the program.

Participants admitted to the KARE for Nurses Program before July 15, 2010 shall be given an option as to whether they sign a Waiver of Confidentiality granting permission to the Board to provide online verification of their participation in the program. The KARE for Nurses Program remains a voluntary, alternative to discipline monitoring program for nurses with substance use disorders. KARE Program requirements include, but are not limited to, notification of participation by the nurse to a variety of individuals and entities. This statute change promotes the accountability of nurses who participate in this Program to abide by this requirement.

For additional information, you may contact Paula S. Schenk, MPH, RN, KARE for Nurses Program Manager and Compliance Section Supervisor, at (502) 429-3328 or via e-mail (PaulaS.Schenk@ky.gov).



Times change.
The mission doesn't.

1960-2010



COLLEGE OF NURSING

Our Goal is to Help You Realize Yours

Of all the historic changes in healthcare over the last 50 years, we'd like to recognize one thing that hasn't changed: our commitment to nursing excellence and our belief in its power to make a difference in the lives of those we serve, especially here in Kentucky. To our alumni and current students, our faculty and staff, and our colleagues at UK HealthCare, our thanks for proving, year after year, that partnership and collaboration are still the most powerful tools in healthcare.

UK HealthCare

UK
UNIVERSITY OF
KENTUCKY
College of Nursing

Missouri Implements the Nurse Licensure Compact (NLC)

by **Charlotte Beason, Ed.D., RN, NEA**, Executive Director

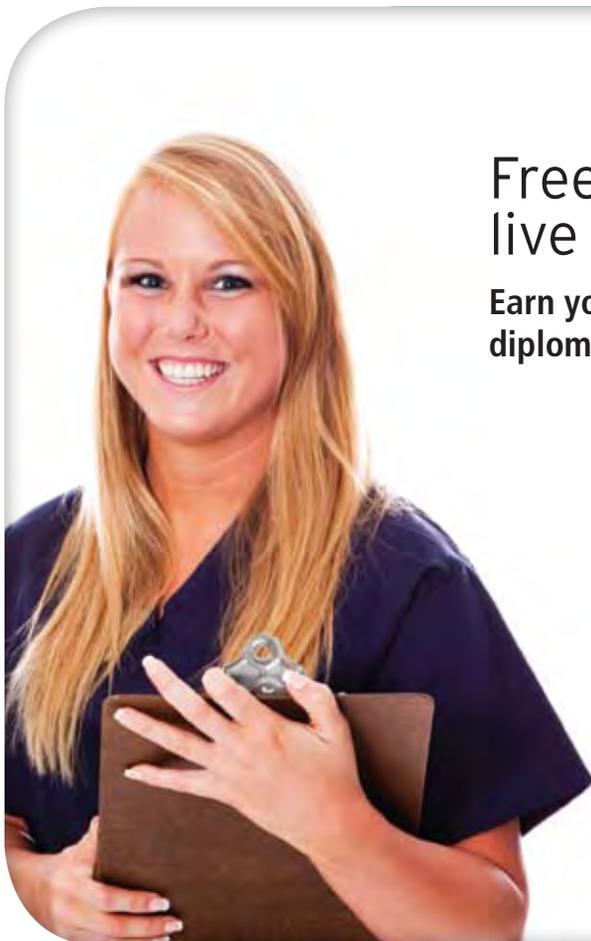
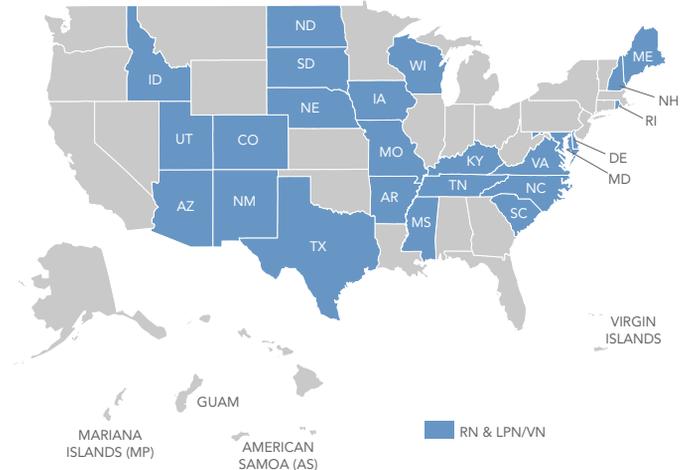
On June 1, 2010, Missouri became the 24th state to pass legislation and implement the NLC in this state. The NLC allows a nurse to have one license in his or her state of residency and practice in other states (both physically and electronically) subject to each state's practice law and regulations. Advanced registered nurse practitioners are not included in this compact. ARNPs must apply for licensure in each state in which they practice, unless exempted when employed in a federal facility. Missouri's Nurse Practice Act can be accessed from the Missouri Board of Nursing website (<http://pr.mo.gov/nursing.asp>).

Should a compact licensee be reported for violation of a state's nursing law, the remote state can investigate the incident and take action on the privilege to practice. The home state may use the investigation of the remote state or may conduct its own investigation to determine any discipline on the nurse's actual license. The Kentucky Board of Nursing has had 10 complaints on compact nurses working in Kentucky with a permanent residence in another compact state. Four of those investigations have concluded and final disciplinary action has been taken by the Board; three have had Immediate Temporary Suspensions of their privilege to practice in Kentucky while an investigation is underway; and three have maintained their privilege while they are under investigation by KBN. KBN has received six complaints against nurses with Kentucky licenses working in other compact states and has taken the following actions to date: KBN has taken final disciplinary action on one licensee; three

have had Immediate Temporary Suspensions of their licenses as investigations are being conducted; and one nurse has retained her license while under investigation.

NOTE: A list of all nurses having finalized disciplinary actions since 1985 is posted on the KBN website (<http://kbn.ky.gov/protect/investdiscp/disciplinary.htm>). An alert appears on the licensure validation screen for nurses under investigation. When hiring compact nurses, employers are urged to validate licenses on KBN's website (<http://kbn.ky.gov/onlinehrs/bulkvalidation>) and NURSYS (<http://www.nursys.com>).

States participating in the Nurse Licensure Compact



Freedom to...
live your dream.

Earn your **Practical Nursing**
diploma in just 15 months.

ata
COLLEGE

LEARN WELL. LIVE WELL.
www.ata.edu

- Medical Assisting
- Medical Office Assisting
- Medical Coding
- Practical Nursing**
- Dental Assisting
- Limited Medical Radiography
- Medical Laboratory Technician
- Phlebotomy

CALL TODAY!

371.8327
www.ata.edu



Accredited by Accrediting Bureau
of Health Education Schools

Developmentally Approved by KBN

Financial aid available to those who qualify

10180 Linn Station Rd., Louisville



Disciplinary Case Review by Ann Tino, RN, BSN, Certified Nurse Investigator, Consumer Protection Branch

Disclaimer: Although disciplinary action taken by KBN is a matter of public record, the identity of any nurse referenced in this article will not be revealed.

The primary mission of the Kentucky Board of Nursing (KBN) is to protect the citizens of the Commonwealth by ensuring that safe and effective nursing care is provided to the public. Unfortunately, some of the investigations conducted by Board staff involve inappropriate boundaries between the nurse and the patient for whom care is provided. Boundaries can be violated verbally, electronically, physically or in writing, and may be sexual in nature.

The Board has substantiated cases of sexual misconduct in hospital settings that generally involved male nurses against female patients. Some of the cases even occurred in private settings or in nursing homes with minors or vulnerable adults as the victims. All of the offenders referred to in this article are female nurses who were responsible for providing health care to imprisoned, male patients. The involved parties were considered cognizant at the time of the occurrences. All of the involved nurses referred to in this article were terminated from their employing agency or institution. Some examples of inappropriate actions committed by a female nurse with an imprisoned, male patient are: providing them with money, cigarettes, gifts or other contraband; accepting personal phone calls from them while not on duty; written correspondence of a personal nature; verbal sexual innuendos; and in the most extreme cases, sexual contact, ranging from fondling to intercourse.

Nurse W was a registered nurse working at a prison through a staffing agency and was terminated for communicating personally with an inmate of that institution for a period of at least three (3) months. Nurse X was a licensed practical nurse working at a detention center through a staffing agency and developed a "personal" relationship with an inmate. Nurse X admitted to providing the inmate with money and cigarettes,

as well as accepting personal phone calls from the inmate while she was not on duty. In addition, her actions resulted in criminal prosecution. Nurse Y was a licensed practical nurse employed directly by a detention center and was caught "fraternizing" with an inmate for a period of at least six (6) months. She admitted to engaging in written and verbal correspondence with the inmate, as well as providing the inmate with money. The institution suspected a sexual relationship had occurred but was unable to prove it. Nurse Y denied any sexual encounters with the inmate. Nurse Z was a registered nurse at another detention center and was reported to the Board for engaging in a four (4) month "intimate" relationship with an inmate. Nurse Z admitted to initiating sexual encounters with the inmate on at least two (2) occasions.

As noted with Nurse X, the reporting institution (the detention center) pursued criminal charges against her which resulted in a misdemeanor conviction. Once a conviction is entered against the nurse, it results in additional charges from the Board. KRS 314.091(1) (b) addresses any misdemeanor or felony conviction of the nurse that involves deceit, a breach of trust, or dishonesty. KRS 314.091(1) (c) specifically refers to a misdemeanor or felony conviction under KRS Chapter 510 involving sexual contact with a patient while the patient was under the care of the nurse. All of these cases involve a violation of KRS 314.091(1) (d). This is a general provision of the nursing law that renders it a violation when the nurse acted negligently or willfully in a manner inconsistent with the practice of nursing. KRS 314.091(7) specifically indicates that, if the Board substantiated that sexual contact occurred between a nurse and a patient while the patient was under the care of or in a professional relationship with the nurse, the nurse's license may be revoked or suspended with mandatory treatment of the nurse as prescribed by the Board. The nurse may be required to pay a specified amount for any mental health

services for the patient which are needed as a result of the sexual contact.

Sometimes the complainant is actually the patient/inmate, as was the case involving Nurse Z. For whatever reason, usually because the inappropriate relationship between the nurse and inmate has been suspected or revealed, the inmate reports the nurse to the Board before a formal complaint is submitted by the institution. Obviously, all complaints are looked at individually and substantive information must be verified and collected before pursuing a full investigation or formal charges against the nurse.

Action can range from an immediate temporary suspension of the nurse's license to revocation. Depending on the specifics of the case and the results of any Board ordered evaluations (chemical and/or mental), further action can range from a reprimand, the least punitive action the Board can take against a nurse's license, to revocation. Revocation is reserved for the most egregious, heinous violations and requires the nurse to re-take the NCLEX and have a hearing before a Board panel to consider reinstatement of the nursing license. In between those disciplinary actions, a nurse's license may be placed on limitation/probation for a specified period of time with specific terms she must comply with to prevent suspension of the license.

The Board must ensure that the offending nurse receives any recommended treatment before she can be allowed to resume or continue practicing. Verification of compliance with any court ordered terms must also be validated. In some cases, the offending nurse is not allowed to return to a specific setting or provide care for a specific population of patients. Once again, each case is looked at individually and no two cases are ever alike. Fortunately, these types of cases comprise a small percentage of cases reviewed by the Board.

As nurses, many of us have dreamed of being a nurse since we were young. We are caregivers, nurturers, and com-

continued on page 14 >>

passionate people. The boundaries themselves are clear. But our understanding of them can sometimes become confused and our inability to exercise good judgment when acting in the face of established boundaries may lead to ill-advised outcomes. Often there are deeply rooted issues that have taken us down an unintended path. We must stop and think about what we are doing: is this the right thing to do; is this what you were taught in nursing school; and is the patient's well-being and safety in question? As I have said before, you worked hard for your license and you need to protect it. Think before you act. The following contacts are available to you at the Board office: Sharon Eli Mercer, Nursing Practice Consultant, at 502-429-3307 or toll-free at 1-800-305-2042, ext. 3307, for any practice-related questions, and the Consumer Protection section of the Board at 502-429-3300 for any questions related to the disciplinary process.

Sexual Assault Exams: CHANGE IN REPORTING REQUIREMENTS

by **MaryLee Underwood, JD, BSW**, Staff Attorney, Kentucky Assn. of Sexual Assault Programs (KASAP)

Sexual Assault Forensic-Medical Exams (SAFE Exams) are provided to victims after sexual violence. In the past, exams were only provided in Kentucky if the crime was reported to law enforcement. Now, federal and state laws require that SAFE exams be provided regardless of whether the crime is reported. **The patient must be given a choice of whether or not law enforcement will be notified.** If the victim chooses not report to law enforcement, samples must be stored for at least 90 days to allow the victim to consider filing a delayed report. Samples should be stored securely so that only one or two individuals can access them. Optional storage locations include a locked filing cabinet located in the Risk Management Office. The Kentucky Sexual Assault Response Team (SART) Advisory Committee has developed a SAFE Exam Compliance Toolkit to assist hospitals in developing appropriate storage systems and related policies. This Toolkit includes sample protocols, forms, and other tools for implementation. For more information regarding the SAFE Exam Toolkit, SART Advisory Committee, or other related issues, contact KASAP (502-226-2704 or munderwood@kasap.org).

SAVE THE DATE - Continuing Education for SANEs

12th Ending Sexual Assault & Domestic Violence Conference

Marriot Griffin Gate Resort, Lexington, KY

November 30 –December 1, 2010

Special Forensic Photography Course for SANEs (Scholarships may be available).

Visit the KASAP website (www.kasap.org) in mid-September for registration and scholarship information.

The Career You Want ... The Benefits You Deserve

At the Lexington VA Medical Center our goal is to provide excellence in patient care, veterans' benefits and customer satisfaction. Our nation's veterans deserve no less than the best care and appreciation ... as does our staff! We value and respect our staff at all levels, and we are proud the VHA has been named in the top **15 BEST EMPLOYERS FOR EMPLOYEES AGED OVER 50 BY THE AARP.**

The VA Medical Center in Lexington is now hiring:
FT GERIATRIC UNIT CLINICAL EXPERT
FT POOL RNs
INTERMITTENT POOL RNs

LEXINGTON VA MEDICAL CENTER offers RNs 5 weeks vacation a year, guaranteed shifts, night and weekend differentials and excellent health benefits.



**Department of
Veterans Affairs**

To read more about our available positions or to apply, please go to **WWW.VACAREERS.VA.GOV**.

Out of State Licensure Accepted • EOE/Drug Test

Soak Away Stress And Muscle Tension!



Fizzing Mineral Bath soak added to a warm bath will make you feel like your home is a spa!

To order Fizzing Mineral Bath and other high quality home spa products from Jordan Essentials, go to www.myjestore.com/stunursing and choose consultant #11668 for purchase. Portions of the proceeds go the ThinkNurse Scholarship Fund. All products are made in America!



Nurses – Earn Extra Income!

Become a Jordan Essentials consultant today by visiting www.jordanrep.com/11668 or call toll-free 1-877-662-8669.



touch a
LIFE

Spencerian College, a leader in healthcare training, offers many ways to make a positive impact on someone's life for the better. Learn to provide optimal patient care with our:

- PRACTICAL NURSING DIPLOMA
- ASSOCIATE DEGREE IN NURSING (ADN)

**CALL TODAY
AND GET STARTED!
800-264-1799**

Help patients receive comfort from chronic illness with an associate degree in:

- RESPIRATORY THERAPY
- MEDICAL MASSAGE THERAPY

And Spencerian's web-assisted classes make it possible to continue to work while you earn your degree!



4627 Dixie Highway | Louisville KY 40216 | spencerian.edu

HIGHLANDS REGIONAL
MEDICAL CENTER



A Great Place TO WORK AND LIVE

*Located in the Scenic
Highlands of Eastern
Kentucky – enjoy golf,
boating, hiking, and more...*



HRMC is Looking for Nurses

184 Bed, Not-for-Profit
Over 100 Member Staff
Joint Commission Accredited
Member of AHA and KHA

- Professional Environment
- Benefits Package
- Electronic Medical Record
- Evidence Based Medicine
- Patient Centered Care

We appreciate your desire to care for others and give hope to those who need encouragement. Join us at Highlands Regional...we are dedicated to providing the highest level of care possible.

**Call Today:
(606) 886-8511**

Visit us online: www.hrmc.org

THIS IS YOUR OFFICIAL RENEWAL NOTIFICATION.

2010 RENEWAL INFORMATION

BEGINS: September 15 at 12:01 a.m.

ENDS: Midnight October 31, 2010, Eastern Time

RENEWAL WEB ADDRESS: <http://kbn.ky.gov/license/renewal/renewal2010.htm>

NOTIFICATION OF RENEWAL: When your license has been renewed you will receive an email notification to the address you listed with KBN. You can also validate the expiration date of your license at www.kbn.ky.gov

FAILURE TO RENEW:

You cannot practice as a nurse in KY after midnight, Sunday, October 31 until your license is reinstated.

To reinstate a license, you must submit:

- A reinstatement application, and pay the \$120 fee
- The continuing competency requirements
- A criminal history report from the Kentucky Administrative Office of the Courts (AOC), Courtnet Disposition System in all surnames you have ever used. Request online from the AOC's website (www.kycourts.com) or via paper from the KBN website (www.kbn.ky.gov/license/exam/courtnet.htm). Instructions for both processes are also available from the KBN website referenced above.

RENEWAL FEES

RN: \$50

LPN: \$50

ARNP: \$40 for each designation

SANE: \$35

(Print the confirmation page for your record of payment for your license renewal.)

To receive a paper application, submit a written request with a check or money order for \$40. This fee is **IN ADDITION** to the renewal fee. After receiving the request and fee, KBN will mail the paper renewal application. Do not submit the renewal fee until you return the renewal application to KBN. Allow three weeks for a paper application to be reviewed and the license renewed.

RENEWAL ENDS AT MIDNIGHT (EASTERN TIME) SUNDAY, OCTOBER 31, 2010

The online renewal application will not be available after midnight (Eastern Time), October 31, 2010. If an application is not submitted for renewal by midnight October 31, the license will lapse and must be reinstated using either the online application or the paper reinstatement application.

IMPORTANT POINTS TO REMEMBER:

- KBN offices close at 4:30 pm (EDT) on Friday, October 29.
- Licenses renewed before close of business on Friday, October 29 will show an October 31, 2011 expiration date on the KBN online validation website (www.kbn.ky.gov).
- Applications submitted to KBN after 4:30 pm (EDT) October 29 but before midnight October 31 **WILL NOT BE PROCESSED FOR RENEWAL** until the office opens

on Monday, November 1, 2010, and you may not practice in a licensed position after midnight October 31 until the license is renewed.

- If you answer "yes" to the renewal questions regarding discipline in another state, criminal history and/or ARNP national certification revocation, additional time is needed to review and process the application. You must submit a certified copy of the court record(s), a certified copy of the disciplinary order from the other jurisdiction, and/or documentation from the ARNP's national certification organization. A brief letter of explanation regarding the circumstances is also required.
- If the renewal application has **NOT BEEN** submitted OR the required documents have not been received by midnight 10/31/10, the license will lapse. A lapsed license must be reinstated. **The reinstatement application will not be processed until a criminal history report from the Administrative Office of the Courts (AOC) and the continuing competency requirements are received and reviewed.**
- The practice of nursing on a lapsed Kentucky license is a violation of the Kentucky Nursing Laws and subjects you to disciplinary action.
- **Clicking the "Submit" button at the end of the online renewal process does not renew the license.** It means you are attesting that you have or will have met the continuing competency requirement by October 31.
- Printing the confirmation page gives you proof of SUBMITTING the application **BUT NOT that your license has been renewed.**