

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 68090 §
issued to NANCY LOUISE KENNEDY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of NANCY LOUISE KENNEDY, Vocational Nurse License Number 68090, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 7, 2009, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from El Paso Community College, El Paso, Texas on November 20, 1975. Respondent was licensed to practice vocational nursing in the State of Texas on May 20, 1976.
5. Respondent's vocational nursing employment history includes:

1975 - 1976	LVN	Hotel Dieu Hospital El Paso, Texas
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Respondent's vocational nursing employment history includes continued:

1977	Unknown employment	
1978 - 1980	LVN	Dr. Joseph & Mary E. Gastagno unknown location
1981 - 1984	Unknown employment	
1985 - 1987	LVN	Robert King, Allergy & Dermatology Houston, Texas
08/87 - 04/89	LVN	Nazareth Hall El Paso, Texas
11/87 - 10/89	LVN	Med Plus of El Paso El Paso, Texas
1989	LVN	Dr. Maddi-Al-Bassam/Cardiologist Houston, Texas
06/89 - 11/89	LVN	Durham College El Paso, Texas
1990 - 09/01	Unknown employment	
10/01 - unknown	LVN	Desert Springs El Paso, Texas
04/06 - 05/06	LVN	Interworld Health Care El Paso, Texas
12/05 - 01/07	LVN	Outreach Health Services El Paso, Texas
03/06 - 07/06	LVN	Mountain View Health Care El Paso, Texas
11/06 - 11/06	LVN	Our Angel Home Health Care El Paso, Texas
11/06 - 01/08	LVN	El Paso State Center El Paso, Texas

Respondent's vocational nursing employment history includes continued:

02/08 - present unknown employment

6. On or about March 6, 2000, Respondent was issued the sanction of Suspend/Probate by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Order dated March 6, 2000, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with El Paso State Center, El Paso, Texas, and had been in this position for one (1) year.
8. On or about November 22, 2007, while employed as a Licensed Vocational Nurse with the El Paso State Center, El Paso, Texas, Respondent was involved in an argument with a co-worker in a resident's bedroom. Respondent's conduct was likely to injure the patient in that it exposed the patient unnecessarily to a risk of experiencing emotional and/or psychological harm.
9. On or about November 22, 2007, while employed as a Licensed Vocational Nurse with the El Paso State Center, El Paso, Texas, Respondent was overheard saying, "In China they kill the MR population because they do not contribute anything to society. Stop acting like an animal, you are a human," or words to that effect, to a deaf resident to whom she was giving a g-tube feeding. Respondent's conduct was likely to injure the patient in that it exposed the patient unnecessarily to a risk of experiencing emotional and/or psychological harm.
10. In response to Finding of Fact Number Nine (9), Respondent denies that she stated those words while with the resident, and that what she stated was taken out of context in retaliation. Respondent states that she has never, in thirty-six (36) years of nursing said anything purposely that would harm another person entrusted in her care.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(B)(6)(C)&(F).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 68090,

heretofore issued to NANCY LOUISE KENNEDY, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the

Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

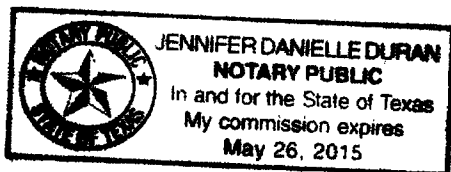
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of Feb, 2012.
Nancy Louise Kennedy
NANCY LOUISE KENNEDY, Respondent

Sworn to and subscribed before me this 28th day of February, 2012

SEAL

Jennifer Duran
Notary Public in and for the State of Texas



Approved as to form and substance.
Yvonne Acosta
Yvonne Acosta, Attorney for Respondent

Signed this 28th day of Feb, 2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of February, 2012, by NANCY LOUISE KENNEDY, Vocational Nurse License Number 68090, and said Order is final.

Effective this 6th day of March, 2012.



Katherine A. Thomas

Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board