



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	§	AGREED
Vocational Nurse License Number 321612	§	
issued to TABITHA J. KENNEDY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TABITHA J. KENNEDY, Vocational Nurse License Number 321612, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 24, 2017.

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(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Career Care Institute, Ventura, California, on December 17, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on September 4, 2014.
5. Respondent's nursing employment history includes:

12/2006 - 02/2009	Unknown
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Respondent's nursing employment history continued:

03/2009 - 04/2013	Licensed Vocational Nurse	California Forensic Medical Group Ventura, California
05/2013 - 02/2014	Unknown	
03/2014 - 06/2015	Licensed Vocational Nurse	Assisted Health Care Services Thousand Oaks, California
07/2015 - 10/2015	Licensed Vocational Nurse	Correctional Care Services McKinney, Texas
09/2015 - 06/2016	Licensed Vocational Nurse	Southwest Correctional Medical Group McKinney, Texas
06/2016 - Present	Licensed Vocational Nurse	PSA Healthcare Allen, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Southwest Correctional Medical Group, McKinney, Texas, and had been in that position for eight (8) months.
7. On or about May 31, 2016, while employed as a Licensed Vocational Nurse with Southwest Correctional Medical Group, McKinney, Texas, Respondent inaccurately documented that she wasted Diazepam for Patient J.W. on the narcotic tracking count log. When a co-worker would not sign off on the documented waste, she "lined through" the waste and documented the medication as given by another nurse on a previous shift, and signed the name of M.M., LVN. Respondent's conduct created an inaccurate record.
8. In response to Finding of Fact Number Seven (7), Respondent states: "It was brought to my attention during shift change that said drug was missing. I went through all my documentation and was unable to locate the missing medication. I did indeed write that the medication had been wasted by me. I then went through my documentation and I went through the documentation in the computer for that day. In the computer is where I located that the medication had been given on the previous shift by M.M. I did sign it out as given on day shift, signed my name then wrote M.M.'s full name. I immediately emailed my director of nursing and told her exactly what I had done."

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 violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(C)&(6)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 321612, heretofore issued to TABITHA J. KENNEDY.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION WITH A FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) 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. Home study courses and video programs will not be approved.
- B. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of

alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.

- C. 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. **MONETARY FINE**

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of entry of this Order.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. **RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of August, 2017.

Kennedy
TABITHA J KENNEDY, Respondent

Sworn to and subscribed before me this 10 day of August, 2017.



Notary Public in and for the State of Texas

A rectangular notary seal for Deysi A Torres Garcia, Notary Public, State of Texas. The seal includes the text "NOTARY PUBLIC STATE OF TEXAS" and "My Commission Expires January 22, 2019". The seal is stamped over a rectangular area.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 10th day of August, 2017, by TABITHA J KENNEDY, Vocational Nurse License Number 321612, and said Order is final.

Effective this 15th day of August, 2017.

A handwritten signature in cursive script, reading "Katherine A. Thomas", written in black ink.

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