



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

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In the Matter of Advanced Practice Registered Nurse License Number AP110132 & Registered Nurse License Number 633384 issued to KIMBERLY KEEN MORGAN § § § § AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY KEEN MORGAN, Advanced Practice Registered Nurse License Number AP110132 and Registered Nurse License Number 633384, 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 November 10, 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 professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
- 4. Respondent received a Diploma from McQueen Gibbs Willis School of Nursing, Easton, Maryland on May 15, 1993, a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas in August 1998, and received a Master's Degree in Nursing from Texas Woman's University, Denton, Texas on May 20, 2000. Respondent was licensed to practice professional nursing in the State of Texas on August 14, 1996, and was licensed to

practice advanced practice registered nursing in the role of Family Nurse Practitioner with prescription authorization in the State of Texas on April 30, 2018.

5. Respondent's nursing employment history includes:

05/1993 - 11/1997	Unknown	
12/1997 - 06/2002	FNP	North Texas Neurosurgical Associates Plano, Texas
06/2002 - 08/2003	Professor	Collin County Community College Department of Nursing McKinney, Texas
06/2002 - 07/2007	FNP	Trester Family Medical Group, Inc. Plano, Texas
01/2003 - 05/2005	FNP	Family Medical Center of North Dallas Dallas, Texas
07/2007 - 08/2011	FNP	Office of Richard Buch, MD, PA Plano, Texas
09/2011 - 03/2013	FNP	Texas Neurosurgical Institute, PA Baylor Regional Medical Center Plano, Texas
04/2013 - Present	Major/FNP	US Air Force Reserves Tinker Air Force Base Oklahoma
04/2013 - Present	Adjunct	Texas Woman's University Denton, Texas

6. At the time of the initial incident, Respondent was employed as a Family Nurse Practitioner, with Texas Neurosurgical Institute, PA, Plano, Texas, and had been in that position for three (3) months.

7. On or about December 30, 2011, while employed as a Family Nurse Practitioner, with Texas Neurosurgical Institute, PA, Plano, Texas, Respondent participated as the surgical assistant during Patient RP's surgery performed by Dr. Christopher Duntsch at Baylor Regional Medical Center at Plano, Plano, Texas. During the surgery, Respondent witnessed an altercation that included another surgeon attempting to stop Dr. Duntsch from performing

unsafe procedures during the surgery. Respondent failed to report the information to the appropriate person at Baylor Regional Medical Center at Plano and to the Texas Medical Board. Respondent's conduct was likely to place patients at risk of harm.

8. On or about January 11, 2012, while employed as a Family Nurse Practitioner, with Texas Neurosurgical Institute, PA, Plano, Texas, Respondent participated as the surgical assistant during Patient BM's surgery performed by Dr. Christopher Duntsch at Baylor Regional Medical Center at Plano, Plano, Texas. Prior to the patient's surgery, Respondent failed to report to Baylor Regional Medical Center at Plano that she was aware of Dr. Duntsch's impairment due to his use of drugs and his incompetency, as identified by other physicians. Respondent's conduct was likely to place patients at risk of harm.
9. In response to Finding of Fact Number Seven (7), Respondent states: I have no recollection of any such event happening during surgery. To my recollection, I was placed at the lateral patient left head of the table, with anesthesia, where I was assigned to hold manual traction. A surgical microscope was between me and the surgeons during the case for the majority of my retraction time. At no time was I aware that any confrontation had taken place. To my best recollection, I do not recall the surgery being stopped at any time. If there had been an altercation between the surgeons, myself and the other nurses would have reported it to the operating room nurse manager at the time of the incident." In response to Finding of Fact Number Eight (8), Respondent states: "I was not aware of misuse of drugs by Dr. Duntsch at any time during my employment. If I had been aware of his use/misuse of drugs, I would have reported it to Baylor Regional Medical Center medical staff office, CEO, and to the Texas Medical Board. With regards to him being incompetent, I as a surgical assistant, whose job is the retract and suction under his direction, did not see anything out of the ordinary for my scope. I am not qualified as the other physicians are to make a determination of his incompetence from a surgeon standpoint. I did not feel he was a danger to the patients as his patient management was similar to other physicians I had work with in the past."

#### 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)(M) and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP110132 and Registered Nurse License Number 633384, heretofore issued

to KIMBERLY KEEN MORGAN.

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 that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION** 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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

#### **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 courses **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A 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. **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](http://www.bon.texas.gov/compliance).*

#### V. **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, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

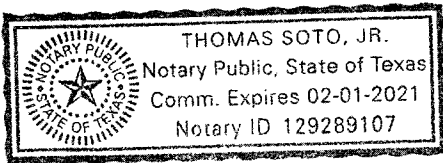
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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.

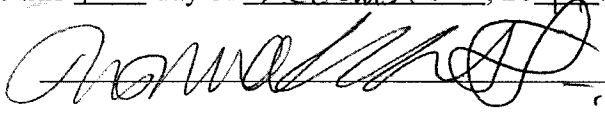
Signed this 12 day of Dec, 2017.

  
KIMBERLY KEEN MORGAN, Respondent

Sworn to and subscribed before me this 12<sup>th</sup> day of December, 2017.

SEAL



  
Notary Public in and for the State of Texas

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 12<sup>th</sup> day of December, 2017, by KIMBERLY KEEN MORGAN, Advanced Practice Registered Nurse License Number AP110132 and Registered Nurse License Number 633384, and said Order is final.

Effective this 15<sup>th</sup> day of December, 2017.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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