



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

In the Matter of
Permanent Registered Nurse
License Number 690253
Issued to STEVEN WAYNE KENNIMER,
Respondent

§ BEFORE THE TEXAS
§
§
§
§ BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: STEVEN WAYNE KENNIMER
2215 LAWNMONT AVENUE APT 205
AUSTIN, TX 78756

A public meeting of the Texas Board of Nursing was held on March 30, 2018 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 690253, issued to STEVEN WAYNE KENNIMER was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of STEVEN WAYNE KENNIMER and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about October 20, 2017, and October 31, 2017, Respondent became noncompliant with the Agreed Order issued to him by the Texas Board of Nursing on August 5, 2016. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contracted during its term. On or about October 20, 2017, and October 31, 2017, Respondent produced urine specimens for a random drug screens that resulted positive for methamphetamine. Stipulation Number One (I)(D) of the Agreed Order dated August 5, 2016, states, in pertinent part:

- (D.) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current...

A copy of the Findings of Fact, Conclusions of Law, and Order dated August 5, 2016, is attached and incorporated, by reference, as part of this Order.

On or about August 15, 2017, Respondent failed to comply with the Agreed Order issued to him on August 5, 2016, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three (III) of the order which reads, in pertinent part:

(III.) ...RESPONDENT SHALL successfully complete the following education course(s) **within one (1) year of the suspension being stayed:**

A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length...

A copy of the Findings of Fact, Conclusions of Law, and Order dated August 5, 2016, is attached and incorporated, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by STEVEN WAYNE KENNIMER constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 690253, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 690253, issued to STEVEN WAYNE KENNIMER, to practice nursing in the State of Texas be, and the same is, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 30th day of March, 2018.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

In the Matter of § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 690253 §
Issued to STEVEN WAYNE KENNIMER, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, STEVEN WAYNE KENNIMER, is a Registered Nurse holding License Number 690253, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about October 20, 2017, and October 31, 2017, Respondent became noncompliant with the Agreed Order issued to him by the Texas Board of Nursing on August 5, 2016. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contracted during its term. On or about October 20, 2017, and October 31, 2017, Respondent produced urine specimens for a random drug screens that resulted positive for methamphetamine. Stipulation Number One (I)(D) of the Agreed Order dated August 5, 2016, states, in pertinent part:

- (D.) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current...

A copy of the Findings of Fact, Conclusions of Law, and Order dated August 5, 2016, is attached and incorporated, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE II.

On or about August 15, 2017, Respondent failed to comply with the Agreed Order issued to him on August 5, 2016, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three (III) of the order which reads, in pertinent part:

- (III) ...RESPONDENT SHALL successfully complete the following education course(s) within one (1) year of the suspension being stayed:

A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length..

A copy of the Findings of Fact, Conclusions of Law, and Order dated August 5, 2016, is attached and incorporated, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Sanction Policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

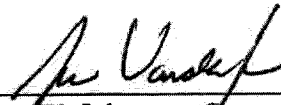
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated August 5, 2016.

Filed this 30th day of March, 2018.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
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Attachments: Order of the Board dated August 5, 2016.

D(2017.11.09)



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
Registered Nurse License Number 690253 §
issued to STEVEN WAYNE KENNIMER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of STEVEN WAYNE KENNIMER, Registered Nurse License Number 690253, 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), 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 11, 2016.

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.
4. Respondent received a Baccalaureate Degree in Nursing from OHSU at Portland, Oregon on June 7, 2002. Respondent was licensed to practice professional nursing in the State of Texas on August 30, 2002.
5. Respondent's nursing employment history is unknown.

6. On or about August 21, 2007, Respondent was arrested by Multnomah County Sheriff's Office, Oregon, and subsequently charged under Cause Number 07-09-51475 for MISDEMEANOR DRIVING WHILE UNDER THE INFLUENCE OF INTOXICANTS, a misdemeanor offense. On or about September 14, 2007, Respondent entered into an agreement in the Circuit Court of the State of Oregon for Multnomah County, under Cause Number 07-09-51475 to participate in the Pre-trial Diversion Program of Multnomah County for a period of twenty-four (24) months. On or about October 19, 2009, Cause Number 07-09-51475 was dismissed in the Circuit Court of the State of Oregon for Multnomah County for the reason of completion of the DUI diversion program.
7. On or about January 25, 2015, Respondent was arrested by the DPS Cherokee County, Texas, and subsequently charged under Cause No. 56491 for DRIVING WHILE INTOXICATED/OPEN ALCH CONTAINER, a Class B misdemeanor offense. On or about September 21, 2015, Respondent entered into an agreement in the Cherokee County Court, Cherokee County, Texas, under Cause No. 56491 to participate in the Pre-trial Diversion Program of Cherokee County for a period of twelve (12) months.
8. In response to Finding of Fact Number Seven (7), Respondent states in an effort to take accountability for himself, his actions and his nursing license and career, he voluntarily sought inpatient treatment and rehabilitation from March 24, 2015-April 16, 2015. He remains committed to treatment and overall well-being.
9. On or about May 23, 2016, Respondent presented to Jerome R. Schmidt, PhD., Psychologist, Austin, Texas, for psychological testing, and an interview. As a result, Dr. Schmidt was able to offer the following Conclusion and Recommendation: "Mr Kennimer be supervised and required to report to appropriate personnel at the Texas Board of Nursing two times per month for 9 months. If he continues to be sober and actively involved in a 12-step program of recovery including having an active and ongoing relationship with his sponsor then he should be allowed to report only one time per month for nine months. If he has continued to maintain his sobriety Mr. Kennimer should be discharged from supervision. Any indication of non compliance should result in his referral to TPAPN for intensive supervision for 24 months."
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
11. Formal Charges were filed on February 12, 2016.
12. Formal Charges were mailed to Respondent on February 18, 2016.
13. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

14. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
15. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or substance use disorder.
16. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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 §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 690253, heretofore issued to STEVEN WAYNE KENNIMER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 690253, previously issued to STEVEN WAYNE KENNIMER, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00); and
- B. Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for such a time as is required for RESPONDENT to successfully complete the TPAPN AND until Respondent fulfills the additional requirements of this Order.

- C. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. 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. 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 suspension being stayed:

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.

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.*

IV. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN; such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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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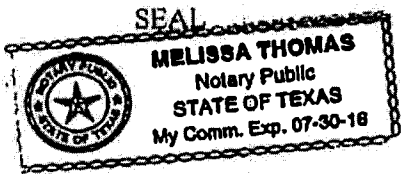
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RESPONDENT'S CERTIFICATION

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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(s) to practice nursing in the State of Texas. as a consequence of my noncompliance.

Signed this 03 day of August, 2016.
Steven Wayne Kennimer
 STEVEN WAYNE KENNIMER, Respondent

Sworn to and subscribed before me this 3 day of AUGUST, 2016
[Signature]
 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 3 day of August, 2016, by STEVEN WAYNE KENNIMER, Registered Nurse License Number 690253, and said Order is final.

Effective this 5th day of August, 2016.



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