



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 ORDER
Advanced Practice Registered Nurse License §
Number AP107806 §
& Registered Nurse License Number 583176 §
issued to PAUL JOSEPH KISUCKY §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PAUL JOSEPH KISUCKY, Advanced Practice Registered Nurse License Number AP107806, and Registered Nurse License Number 583176, 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),(12)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 21, 2020.

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 Agreed 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 with authorization as a Nurse Anesthetist without Prescription Authorization is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Dallas Baptist College, Dallas, Texas, on May 1, 1992. Respondent completed a Nurse Anesthetist Program from Old Dominion University, Norfolk, Virginia, on August 25, 1995. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Nurse Anesthetist on April 2, 1997.

5. Respondent's nursing employment history includes:

08/1992-08/1993	RN	Parkland Memorial Hospital Dallas, Texas
08/1993-08/1995	Student Anesthetist	Sentara Norfolk General Hospital, Norfolk, Virginia
08/1995-02/1997	Nurse Anesthetist	Pitt County Anesthesia Associates, Greenville, North Carolina
02/1997-02/1998	Nurse Anesthetist	Victoria Anesthesiology Associates, Victoria, Texas
02/1998-06/1998	Nurse Anesthetist	Permian Anesthesia Associates Odessa, Texas
06/1998-06/1999	Nurse Anesthetist	West Texas Anesthesia Odessa, Texas
06/1999-10/2002	Nurse Anesthetist	Independent Contractor/Self- Employed, Dallas, Texas
10/2002-04/2003	Nurse Anesthetist	Valley Regional Medical Center, Brownsville, Texas
04/2003-06/2004	Nurse Anesthetist	El Paso Anesthesiology Services, Independent Contractor, El Paso, Texas
06/2004-07/2008	Nurse Anesthetist	Clinical Partners of El Paso, Providence Memorial Hospital, El Paso, Texas
07/2008-07/2012	Nurse Anesthetist	Independent Contractor, El Paso Del Norte Surgery Center, El Paso, Texas
08/2012-06/2014	Nurse Anesthetist	Independent Contractor, Foundation Surgical Hospital of El Paso, El Paso, Texas
06/2014-Unknown	Nurse Anesthetist	Independent Contractor El Paso, Texas

Respondent's nursing employment history continued:

12/2016-01/2017	Nurse Anesthetist	Endoscopy Center of El Paso El Paso, Texas
05/2017-Present	Unknown	

6. On or about December 23, 2016, through January 11, 2017, while employed as an Advanced Practice Registered Nurse Anesthetist with Endoscopy Center of El Paso, El Paso, Texas, Respondent may have lacked fitness to practice nursing in that he showed signs of erratic behavior, to include: being nervous, fidgety and agitated, being unable to sit or stand still, unable to focus, lack of awareness/respect for personal boundaries, and a general erratic appearance. Respondent's alleged conduct could have affected his ability to recognize subtle signs, symptoms or changes in patient's conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care.
7. In response to Finding of Fact Number Six (6), Respondent states at no time did he lack fitness to practice nursing, show signs of impaired behavior, display signs of being nervous or fidgety, touch or scratch his genitals, show signs of being unable to focus or display a "general erratic appearance." Respondent worked at Endoscopy Center of El Paso from December 23, 2016 to January 11, 2017, an aggregate of only 12 days. That facility's personnel created a hostile work environment for Respondent. In the 26 years of Respondent's nursing practice, this 12 day period is the only time anyone has every complained of Respondent, or made derogatory accusations of Respondent. Respondent does not agree with the allegations contained in Finding of Fact Number Six (6), and Respondent is signing the Order for the purpose of settlement only.
8. On or about December 19, 2019, Respondent completed a Psychological Evaluation with Dr. Jim Womack. Dr. Womack states Respondent admitted that at one time feeling as if, due to his salary and vocational status, he could ignore certain social conventions. Dr. Womack concludes the balance of the report represents deviations from expected professional behaviors. *If* the Board determines there are supportable accounts of behaviors that could either directly or indirectly harm a patient, *then* he would be at risk in his nursing functions until such time his thinking on the matter could be clarified and it could be determined he was accepting of responsibility for the same.
9. Formal Charges were filed on April 26, 2019.

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)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP107806, and Registered Nurse License Number 583176, heretofore issued to PAUL JOSEPH KISUCKY.
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 **WARNING WITH STIPULATIONS** 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 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.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as an advanced practice registered nurse have elapsed. Periods of unemployment or of employment that do not require the use of an advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

- A. **Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the RESPONDENT by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the RESPONDENT by the Board, to the Board's office within five (5) days of employment as a nurse.

- C. **Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as RESPONDENT who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.
- D. **Nursing Performance Reports:** RESPONDENT SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Advanced Practice Registered Nurse or Physician who supervises/monitors the RESPONDENT and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VI. THERAPY REPORTS

While working as a nurse under the terms of this Order, RESPONDENT SHALL participate in therapy with a professional counselor with credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. For the first three (3) month quarterly period RESPONDENT works as a nurse under the terms of this Order, reports are to be submitted to the Board each and every month. If therapy is recommended by the counselor for an additional period of time, the reports shall then be submitted to the Board at the end of each three (3) month quarterly period in which the RESPONDENT is working as a nurse under the terms of this Order, for the remainder of the term of the Order, or until RESPONDENT is dismissed from therapy, whichever is earlier.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6th day of August, 2020.

Paul Joseph Kisucky CRNA
PAUL JOSEPH KISUCKY, RESPONDENT

Sworn to and subscribed before me this ____ day of _____, 20 ____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance.

Robert C. Hinton, Jr.
Robert Hinton, Attorney for Respondent

Signed this 6th day of August, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 6th day of August, 2020, by PAUL JOSEPH KISUCKY, Advanced Practice Registered Nurse License Number AP107806, and Registered Nurse License Number 583176, and said Agreed Order is final.

Effective this 8th day of September, 2020.



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