



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.
Stephanie P. Thomas
Executive Director of the Board

In the Matter of §
Permanent Advanced Practice Registered §
Nurse License Number AP113712, § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 651864 & §
Permanent Vocational Nurse §
License Number 159518 § **BOARD OF NURSING**
Issued to KENNETH WEBB, §
Respondent §

ORDER OF TEMPORARY SUSPENSION

TO: Kenneth Webb
c/o Marc Myer, Attorney At Law
2300 Woodforest Pkwy N, Ste #600
Montgomery, Texas 77316

A public meeting of the Texas Board of Nursing was held on September 6, 2023 at 1801 Congress Avenue, Suite 10-200, Austin, Texas, in which the Temporary Suspension of Permanent Advanced Practice Registered Nurse License Number AP113712, Permanent Registered Nurse License Number 651864, and Permanent Vocational Nurse License Number 159518, issued to KENNETH WEBB was considered pursuant to Section 301.455, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing presented evidence and information concerning the conduct of KENNETH WEBB 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:

CHARGE I.

On or about March 12, 2021, through March 15, 2021, while owner/operator of Anesthesia Webb, PLLC, Abilene, Texas, and contracted as a Certified Registered Nurse Anesthetist (CRNA) with Texas Midwest Endoscopy Center, Abilene, Texas, Respondent removed ten (10) vials of Propofol from the Propofol cabinet without authorization and/or informing the medical director. Respondent's conduct was likely to defraud the facility.

CHARGE II.

On or about January 3, 2023, while employed as Certified Registered Nurse Anesthetist (CRNA) with Wichita Falls Anesthesia, Wichita Falls, Texas, and contracted with United Regional Health Care System, Wichita Falls, Texas, Respondent lacked fitness to practice professional nursing in that he was found in a seated position on the floor leaning against a recliner in the Anesthesia call room making a grunting noise and not responding verbally. Furthermore, a peripheral IV was observed in his right hand and tubing was sticking out of his jacket. Additionally, Respondent's speech was slurred, he was disoriented, and had difficulty standing up. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

CHARGE III.

On or about January 3, 2023, while employed as Certified Registered Nurse Anesthetist (CRNA) with Wichita Falls Anesthesia, Wichita Falls, Texas, and contracted with United Regional Health Care System, Wichita Falls, Texas, Respondent engaged in the intemperate use of Propofol in that he produced a specimen for a for cause drug screen that resulted positive for Propofol. The use of Propofol by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

CHARGE IV.

On or about January 2, 2023, through January 3, 2023, while employed as Certified Registered Nurse Anesthetist (CRNA) with Wichita Falls Anesthesia, Wichita Falls, Texas, and contracted with United Regional Health Care System, Wichita Falls, Texas, Respondent misappropriated Propofol belonging to the facility and patients thereof, for his own personal use. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

The Texas Board of Nursing further finds that, given the nature of the charges, the continued practice of nursing by KENNETH WEBB constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Advanced Practice Registered Nurse License Number AP113712, Permanent Registered Nurse License Number 651864, and Permanent Vocational Nurse License Number 159518, is justified pursuant to Section 301.455, TEXAS OCCUPATIONS CODE.

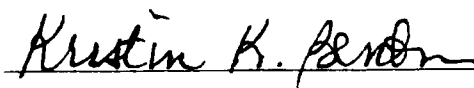
NOW, THEREFORE, IT IS ORDERED that Permanent Advanced Practice Registered Nurse License Number AP113712, Permanent Registered Nurse License Number 651864, and Permanent Vocational Nurse License Number 159518, issued to KENNETH WEBB, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.455, TEXAS OCCUPATIONS CODE.

This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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 6 day of September, 2023.

TEXAS BOARD OF NURSING

BY: 

KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR

In the Matter of	§	
Permanent Advanced Practice Registered	§	
Nurse License Number AP113712 with	§	
Prescription Authorization Number 25492,	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 651864 &	§	
Permanent Vocational Nurse	§	BOARD OF NURSING
License Number 159518	§	
Issued to KENNETH WEBB,		
Respondent		

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KENNETH WEBB, is an Advanced Practice Registered Nurse holding License Number AP113712 with authorization(s) as a Nurse Anesthetist, which is in current status at the time of this pleading, with Prescription Authorization Number 25492, which is in current status at the time of this pleading. Further, Respondent is a Registered Nurse holding license number 651864, which is in current status at the time of this pleading. Further, Respondent is a Vocational Nurse holding license number 159518, which is in delinquent 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 March 12, 2021, through March 15, 2021, while owner/operator of Anesthesia Webb, PLLC, Abilene, Texas, and contracted as a Certified Registered Nurse Anesthetist (CRNA) with Texas Midwest Endoscopy Center, Abilene, Texas, Respondent removed ten (10) vials of Propofol from the Propofol cabinet without authorization and/or informing the medical director. Respondent's conduct was likely to defraud the facility.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13)(effective through 8/31/2021), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE II.

On or about January 3, 2023, while employed as Certified Registered Nurse Anesthetist (CRNA) with Wichita Falls Anesthesia, Wichita Falls, Texas, and contracted with United Regional Health Care System, Wichita Falls, Texas, Respondent lacked fitness to practice professional nursing in

that he was found in a seated position on the floor leaning against a recliner in the Anesthesia call room making a grunting noise and not responding verbally. Furthermore, a peripheral IV was observed in his right hand and tubing was sticking out of his jacket. Additionally, Respondent's speech was slurred, he was disoriented, and had difficulty standing up. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13)(effective through 8/31/21), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(T), and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B),(1)(E),(4)&(5).

CHARGE III.

On or about January 3, 2023, while employed as Certified Registered Nurse Anesthetist (CRNA) with Wichita Falls Anesthesia, Wichita Falls, Texas, and contracted with United Regional Health Care System, Wichita Falls, Texas, Respondent engaged in the intemperate use of Propofol in that he produced a specimen for a for cause drug screen that resulted positive for Propofol. The use of Propofol by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(E),(4),(5),(10)(A),(10)(D) &(11)(B).

CHARGE IV.

On or about January 2, 2023, through January 3, 2023, while employed as Certified Registered Nurse Anesthetist (CRNA) with Wichita Falls Anesthesia, Wichita Falls, Texas, and contracted with United Regional Health Care System, Wichita Falls, Texas, Respondent misappropriated Propofol belonging to the facility and patients thereof, for his own personal use. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13)(effective through 8/31/2021), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(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) and/or privilege(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.

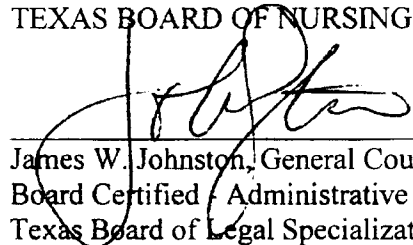
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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

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.

Filed this 6 day of September, 2023.

TEXAS BOARD OF NURSING



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D(2023.07.28)