



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.  
*Kristin K. Benton, DVP, RN*  
Kristin K. Benton, DVP, RN  
Executive Director  
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of § AGREED ORDER  
Registered Nurse License Number 1064181 § FOR  
issued to TIFFENY CUNNINGHAM § KSTAR PROGRAM  
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TIFFENY CUNNINGHAM, Registered Nurse License Number 1064181, 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)&(14)(effective 9/1/2021), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order for KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 11, 2023.

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 for KSTAR Program.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Bachelor's Degree in Nursing from Texas Christian University, Fort Worth, Texas, on December 18, 2021. Respondent was licensed to practice professional nursing in the State of Texas on January 27, 2022.

5. Respondent's nursing employment history includes:

|                  |                  |   |
|------------------|------------------|---|
| 1/2022 – 1/2023  | Registered Nurse | UT Southwestern Medical Center<br>Dallas, Texas |
| 2/2023 – Present | Registered Nurse | John Peter Smith Hospital<br>Fort Worth, Texas  |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with UT Southwestern Medical Center, Dallas, Texas, and had been in that position for eight (8) months.
7. On or about September 19, 2022, while employed as a Registered Nurse with UT Southwestern Medical Center, Dallas, Texas, Respondent failed to collect a CD34 blood specimen for laboratory testing as ordered, for Patient MRN96063266 who was awaiting a potential stem cell collection. Respondent's conduct exposed the patient to a risk of harm in that failure to obtain blood specimens as ordered by the physician could have resulted in non-efficacious treatment of the patient's multiple myeloma.
8. On or about September 26, 2022, while employed as a Registered Nurse with UT Southwestern Medical Center, Dallas, Texas, Respondent failed to restrict fluid intake to 1L every 24 hours for Patient Medical Record Number 72530387 as ordered. Subsequently, the patient received the entire allotted 1L of fluid intake before the end of Respondent's shift. Respondent also failed to appropriately educate the patient on the reason and need for the fluid restrictions. Respondent's conduct exposed the patient to a risk of harm in that failure to restrict intake of fluids as ordered by the physician could have resulted in non-efficacious treatment of the patient's hyponatremia.
9. On or about September 27, 2022, while employed as a Registered Nurse with UT Southwestern Medical Center, Dallas, Texas, Respondent failed to completely and accurately document vital signs every four (4) hours, as ordered, for Patient Medical Record Number 97080344. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
10. On or about November 17, 2022, while employed as a Registered Nurse with UT Southwestern Medical Center, Dallas, Texas, Respondent failed to follow the hospital policy with regards to conducting bedside shift report. Additionally, Respondent failed to follow the fall prevention policy and implement appropriate interventions at shift change for Patient Medical Record Number 73552779, who was a high fall risk. Subsequently, the patient experienced an unwitnessed fall. Respondent also failed to completely document a fall risk assessment and appropriately conduct bedside report at shift change. Respondent's conduct created an incomplete medical record and exposed the patient to adverse complications of injury from a fall, including, abrasions to lower extremities.

11. On or about November 17, 2022, while employed as a Registered Nurse with UT Southwestern Medical Center, Dallas, Texas, Respondent failed to completely and accurately document a full skin assessment at shift change for Patient Medical Record Number 93286599. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
12. On or about December 18, 2022, while employed as a Registered Nurse with UT Southwestern Medical Center, Dallas, Texas, Respondent removed Morphine 30mg for Patient Medical Record Number 97078954 but failed to immediately administer the morphine. Specifically, Respondent placed the morphine in the patient's locked medication drawer, leaving the morphine unattended and in an unsecure area, in violation of Federal laws regarding storage and safekeeping of controlled substances. Respondent's conduct left narcotic medications unsecured and may have caused the patient to suffer from pain for an unnecessary period of time.
13. In response to the incident in Finding of Fact Number Seven (7), Respondent states there was no written order in the computer system to draw the lab. In response to the incident in Finding of Fact Number Eight (8), Respondent states the patient wanted to go to sleep and there was no opportunity to educate the patient on fluid restrictions. In response to the incident in Finding of Fact Number Nine (9), Respondent states the vital signs were documented in progress notes, but states she failed to document the vital signs on the flowsheet. In response to the incident in Finding of Fact Number Ten (10), Respondent states the patient's wife requested privacy so shift report was not conducted bedside. In response to the incident in Finding of Fact Number Eleven (11), Respondent states she completed the skin assessment, but mistakenly clicked not applicable in the charting system. In response to the incident in Finding of Fact Number Twelve (12), Respondent states she had not been trained that some medications could not be left in the patient's locked medication drawer.

#### 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),(1)(C),(1)(D),(1)(F),(1)(M),(1)(P)&(3), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(14)(effective 9/1/2021), Texas Occupations Code, to take disciplinary

action against Registered Nurse License Number 1064181, heretofore issued to TIFFENY CUNNINGHAM.

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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. As a result of this Order, 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.

#### **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 for KSTAR Program.

#### **III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM**

IT IS AGREED and ORDERED that RESPONDENT SHALL, **within one (1) year of the effective date of this Order**, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and RESPONDENT SHALL:

- A. **Within forty-five (45) days** following the effective date of this Order, apply to and enroll in the KSTAR Program, including payment of any fees and costs, unless otherwise agreed in writing;
- B. Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- C. Follow all requirements within the remediation plan, if any;
- D. Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Program; and
- E. Provide written documentation of successful completion of the KSTAR Program to the attention of Monitoring at the Board's office.

**IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS**

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

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

Upon full compliance with the terms of this Agreed Order for KSTAR Program, 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 20 day of October, 2023.

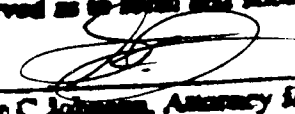
  
\_\_\_\_\_  
TIFFANY CUNNINGHAM, RESPONDENT

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

  
\_\_\_\_\_  
George C. Johnson, Attorney for Respondent

Signed this 11 day of October, 2023

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 10<sup>th</sup> day of October, 2023, by TIFFENY CUNNINGHAM, Registered Nurse License Number 1064181, and said Agreed Order for KSTAR Program is final.

Effective this 14<sup>th</sup> day of November, 2023.

*Kristin K. Benton, DNP, RN*

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Kristin K. Benton, DNP, RN  
Executive Director on behalf  
of said Board