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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Advanced Practice Registered Nurse License §
Number AP113712, §
Registered Nurse License Number 651864 §
& Vocational Nurse License Number 159518 §
issued to KENNETH WEBB §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KENNETH WEBB, Advanced Practice Registered Nurse License Number AP113712, Registered Nurse License Number 651864, and Vocational Nurse License Number 159518, 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)(9), (10),(12)&(13)(effective through 8/31/2021), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on November 16, 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.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in suspended status. Respondent's license to practice as a professional nurse in the State of Texas is in suspended status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Nurse Anesthetist is in suspended status.
4. Respondent received a Certificate in Vocational Nursing from Navarro College at Corsicana, Corsicana, Texas, on August 9, 1996. Respondent received An Associate

Degree in Nursing from Navarro College, Corsicana, Texas, on May 1, 1998. Respondent completed a Nurse Anesthetist Program from Texas Wesleyan University, Ft Worth, Texas, on December 3, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on September 24, 1996. Respondent was licensed to practice professional nursing in the State of Texas on June 23, 1998. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Nurse Anesthetist with Prescription Authorization on January 14, 2005.

5. Respondent's nursing employment history includes:

9/1996 – 6/1998	Unknown	
6/1998 – 6/2000	RN	Providence Medical Center Waco, Texas
6/2000 – 1/2002	RN	Scott & White Hospital Temple, Texas
1/2002 – 8/2002	RN	Baylor All Saints Medical Center Fort Worth, Texas
8/2002 – 12/2004	Unknown	
12/2004 – 11/2005	CRNA	Burnett and Associated Anesthesia Texarkana, Texas
12/2005 – 3/2006	CRNA	Anesthesia Consultants P.C. Frisco, Colorado
4/2006 – 10/2014	CRNA	EmCare Anesthesia Abilene, Texas
5/2008 – Present	Owner/Operator	Anesthesia Webb, PLLC Abilene, Texas
11/2014 – 3/2015	CRNA	YPS Anesthesia Eastland, Texas
3/2015 – 9/2016	CRNA	AmSurg Anesthesia Abilene, Texas
9/2016 – 4/2021	CRNA	Texas Midwest Endoscopy Center Abilene, Texas

6. At the time of the initial incident, Respondent was employed as a Certified Registered Nurse Anesthetist with EmCare Anesthesia and contracted with Abilene Regional Medical Center, Abilene, Texas, and had been in that position for eight (8) years and six (6) months
7. On or about October 17, 2014, while employed as a Certified Registered Nurse Anesthetist, and contracted with Abilene Regional Medical Center, Abilene, Texas, Respondent lacked fitness to practice professional nursing in that two nurses discovered him with an anesthesia mask held over his face in an operating room, having difficulty sitting and appearing inebriated. Furthermore, the director of nursing and two other members of staff went to said operating room to observe Respondent sitting on a stool, leaning on the operating room table, and holding the end of the anesthesia gas tubing toward his face. At that time, it was observed that Nitrous Oxide was turned on, Respondent's speech was slurred, and he was moving in a disorganized manner. Additionally, Respondent was unable to recall that he was scheduled as an on-call provider that day. 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.
8. 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.
9. 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.
10. 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.

11. 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.
12. In response to Findings of Fact numbers Seven (7), Respondent notes this allegation was investigated in 2017 and the allegations were dismissed without prejudice. In response to Finding of Fact No. Eight (8), Respondent mistakenly picked up a box of propofol that he believed was the property of his mobile practice that performed moderate sedation in rural areas. The box was returned the next day after he was advised he had picked up the wrong box. In response to Finding of Fact Nos. Nine (9), Ten (10), and Eleven (11), Respondent admits he used propofol once while on duty because he was in severe pain after a motor vehicle accident several days prior to the events described. Respondent denies continuing substance abuse issues, but will comply with a board approved peer assistance program to assure protection of patients and the public.
13. Respondent's licenses were temporarily suspended on September 6, 2023 and Formal Charges were filed.
14. 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 §217.11 (1)(A),(1)(B)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5), (6)(G),(8),(10)(A),(10)(D),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12)&(13)(*effective through 8/31/2021*), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP113712, Registered Nurse License Number 651864, and Vocational Nurse License Number 159518, heretofore issued to KENNETH WEBB.

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 that Advanced Practice Registered Nurse License Number AP113712, Registered Nurse License Number 651864, and Vocational Nurse License Number 159518, previously issued to KENNETH WEBB, to practice nursing in the State of Texas is/are 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 to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse:**
- B. Is **cleared to safely practice as a nurse** based on a fitness evaluation, as may be required by TPAPN; and
- C. **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 time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and RESPONDENT'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.
- E. RESPONDENT SHALL **comply with all requirements of the TPAPN participation agreement** during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to **notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.**
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- J. 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.

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, unless otherwise specifically indicated:

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.

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. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

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 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. 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or 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 November, 2023

Kenneth Webb
KENNETH WEBB, RESPONDENT

Sworn to and subscribed before me this 20 day of November, 2023.



SEAL

Kelly-Michelle Beuschel

Notary Public in and for the State of Texas


Approved as to form and substance.

Marc M Meyer
Marc Meyer, Attorney for Respondent

Signed this 20th day of November, 2023.

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 20th day of November, 2023, by KENNETH WEBB, Advanced Practice Registered Nurse License Number AP113712, Registered Nurse License Number 651864, and Vocational Nurse License Number 159518, and said Agreed Order is final.

Effective this 21st day of November, 2023.



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