

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 1081568	§	
issued to KENNETH KRISTOPHER	§	
FERGUSON	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KENNETH KRISTOPHER FERGUSON, Registered Nurse License Number 1081568, 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)(3),(10)&(14), 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 June 6, 2024.

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.
4. Respondent received an Associates Degree in Nursing from Tyler Junior College, Tyler, Texas, on May 13, 2022. Respondent was licensed to practice professional nursing in the State of Texas on June 25, 2022.
5. Respondent's nursing employment history includes:

06/2022 – 11/2022	Unknown
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Respondent's nursing employment history continued:

12/2022 – 01/2023	RN	Truman W. Smith Children's Care Center Gladewater, Texas
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02/2023 – Present	Unknown	
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6. At the time of the incident, Respondent was employed as a Registered Nurse with Truman W. Smith Children's Care Center, Gladewater, Texas and had been in that position for less than one (1) month.
7. On or about December 31, 2022, while employed as a Registered Nurse with Truman W. Smith Children's Care Center, Gladewater, Texas Respondent failed to completely assess and treat resident BV, who is non-verbal and has a diagnosis of Spastic Quadriplegic Cerebral Palsy, Contracture and Subluxation of the left hip, when the resident exhibited pain by crying out and grimacing after Respondent observed the resident being repositioned by a Certified Nursing Assistant. Subsequently it was discovered the resident suffered a fracture of the left femoral shaft, which occurred when the resident was repositioned. Additionally, Respondent failed to report a change in the residents' condition to a supervisor or physician. Respondent's conduct delayed the onset of medical care and interventions needed to prevent further complications.
8. On or about October 4, 2023, Respondent was arrested in Upshur County, Texas for INJURY TO A CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL, a Third-Degree Felony offense committed on December 31, 2022. On or about June 4, 2024, under a plea agreement, Respondent entered a plea of Guilty to INJURY TO A CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL by Criminal Negligence, a State Jail Felony offense under Cause # 19814 in the 115th District Court of Upshur County, Texas. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on community supervision for a period of three (3) years and ordered to serve 240 hours of Community Service, pay a \$250 fine and court costs in the amount of \$300. Additionally, as a condition of the Plea Agreement, Respondent was required to forfeit his nursing license.
9. Respondent has no prior disciplinary action with the Board.
10. Respondent has produced character letters, including from a professional nurse at Truman Smith Children's Center. The character letters demonstrate that Respondent is an exemplary nurse with no history of practice concerns, including while at Truman Smith Children's Center. For example, "... able to manage multiple critical patients at a time and provide high quality care to each of them," "... is quick to catch mistakes before they occur as well as quick to address his own mistakes and get them righted before his patients are harmed." Per Jacen Kubsch, R.N. at Truman Smith Children's Center, "I do not believe

that Mr. Ferguson would ever intentionally harm a child, nor intentionally neglect to address any issue (injury or otherwise). Mr. Ferguson was always quick to ask for help or advice when he was unsure and always quick to act upon that advice for the benefit of his residents . . . My impression was that Mr. Ferguson truly wanted to provide the best care that he was capable of in any situation. I believe that had he known or even suspected an injury to any resident, he would have addressed it immediately.”

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),(M),(P),&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3),(10),&(14) Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 1081568, heretofore issued to KENNETH KRISTOPHER FERGUSON.
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

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 1081568 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. Pursuant to Tex. Occ. Code section 301.4535(c), RESPONDENT SHALL NOT petition for reinstatement of licensure until at least five (5) years from the date the Respondent

successfully completes and is dismissed from community supervision or parole has elapsed.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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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 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 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 27 day of June, 2024.

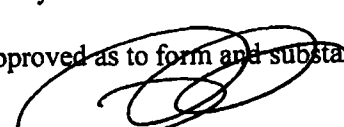

KENNETH CHRISTOPHER FERGUSON, RESPONDENT

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.




Phong Phan, Attorney for Respondent

Signed this 28TH day of June, 2024.

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 27th day of June, 2024, by KENNETH KRISTOPHER FERGUSON, Registered Nurse License Number 1081568, and said Agreed Order is final.

Effective this 28th day of June, 2024.



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