TEXAS BOARD OF NURSING
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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 625616	§	
issued to KAREEM KENNEY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of KAREEM KENNEY, Registered Nurse License Number 625616, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 3, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

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.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from Prairie View A & M College, Houston, Texas on December 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on February 5, 1996.

5. Respondent's nursing employment history includes:

12/18/1995 to 06/05/1999	Staff RN	Memorial Hermann Southwest Houston, Texas.

Respondent's nursing employment history continued:

06/12/1999 to 06/13/2001	Research RN	Texas Childrens Hospital Houston, Texas.
7/2001 - 8/2001	Unknown	
09/01/2001 to 09/10/2002	Staff RN	Kingwood Medical Center Kingwood, Texas.
02/10/2002 to10/05/2005	Charge Nurse	Methodist Willowbrook Hospital Tomball, Texas.
10/24/2005 to 01/15/2007	Staff RN	West Houston Medical Center Houston, Texas.
04/05/2007 to 10/15/2007	Clinical Manager	Memorial Hermann Northeast Humble, Texas.
10/10/2007 to 06/24/2008	Staff RN	All About Staffing Houston, Texas.
07/12/2008 to 06/01/2009	Clinical Patient Education/Staff RN	Harris County Hospital District Houston, Texas.
06/01/2009 to Present	Unknown	

6. At the time of the incident described in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with All About Staffing, Houston, Texas, and had been assigned to West Houston Medical Center, Houston, Texas, but at the time of the incident, was on maternity leave.

7. On or about January 1, 2008 through June 16, 2008 while employed as a Registered Nurse with All About Staffing and assigned to West Houston Medical Center, Respondent obtained Vicodin under her own name, through the use of a fraudulent oral or telephonically communicated prescription, using the name and Drug Enforcement Agency (DEA) number assigned to Elvis Torres, M.D. Respondent's conduct was likely to deceive the pharmacy and possession of Vicodin through use of a forged, unauthorized, fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. At the time of the incident in Finding of Fact Number Nine (9), Respondent was employed as a Registered Nurse with All About Staffing, Houston, Texas, and assigned to Thomas Street Health Center, Houston, Texas and had been in this position for six (6) months.

9. On or about December 1, 2008 through December 22, 2008 while employed as a Registered Nurse with All About Staffing, Houston, Texas, and assigned to Thomas Street Health Center, Houston, Texas, Respondent lacked fitness to practice professional nursing, in that her breath smelled of alcohol, she was observed sniffing a wad of alcohol wipes and one of her assigned patients reported that Respondent told her that she was too drunk to drive and had her mother drive her to work. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his/her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

10. At the time of the incident in Finding of Fact Number Eleven (11), Respondent was employed as a Registered Nurse with Harris County Hospital District-LBJ Hospital, Houston, Texas, and had been in this position for ten (10) months.

11. On or about August 1, 2009, while employed as a Registered Nurse with Harris County Hospital District-LBJ Hospital, Houston, Texas, Respondent removed Vicodin from the medication dispensing system for patient MR#070161435 and attempted to substitute Ibuprofen to administer to Patient MR#070161435 instead. Additionally, Respondent failed to to document, or accurately document the administration of the medication in the patients' Medication Administration Record and/or nurse's notes.

12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

14. Respondent denies the use of alcohol described in Findings of Fact Number Nine (9) but admits to taking prescription medication.

15. Respondent's conduct described in Findings of Fact Number Seven (7), Number Nine (9) and Number Eleven (11) resulted from Respondent's impairment by dependency on chemicals.

16. 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 301.451-301.455, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) & (E) & (11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 625616, heretofore issued to KAREEM KENNEY, including revocation of Respondent's license to practice professional nursing in the State of Texas.

5. 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.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to KAREEM KENNEY, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality

and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his/her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, 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 revocation of Respondent's license and multistate licensure 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 Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations 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 Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21st day of December, 2009.

Kareem Kenney

KAREEM KENNEY, Respondent

Sworn to and subscribed before me this 21 day of Dec, 2009.

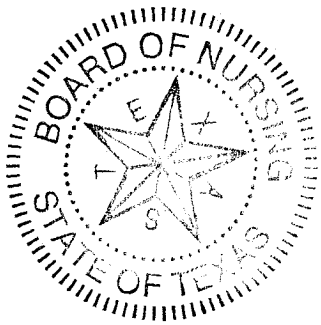
SEAL

Willie D Holmes

Notary Public in and for the State of Texas

WILLIE D. HOLMES
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES:
10-18-2011

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 21st day of December, 2009, by KAREEM KENNEY, Registered Nurse License Number 625616, and said Order is final.

Entered and effective this 30th day of December, 2009.

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