BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 633109	§	
issued to KEITH BURGESS	§	ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of KEITH BURGESS, Registered Nurse License Number 633109, hereinaf--- referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 7, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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, 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 Texas A & M University-Corpus Christi, Corpus Christi, Texas on May 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on August 6, 1996.

5. Respondent's professional nursing employment history includes:

8/96-4/97	Unknown

Respondent's professional nursing employment history continued:

5/97-8/98	RN	Hallmark Home Care Corpus Christi, Texas
9/98	Unknown	
10/98-4/99	RN	Charter Behavioral Hospital Corpus Christi, Texas
9/98-5/99	RN	Christus Spohn Shoreline Corpus Christi, Texas
4/99-2/00	RN	Christus Spohn Alice, Texas
3/00-7/00	Unknown	
8/00-11/00	Travel RN	Columbia Bayshore Pasadena, Texas
11/00-2/01	Travel RN	Christus Spohn Corpus Christi, Texas
3/01-4/01	RN	Dimmit County Memorial Hospital Carrizo Springs, Texas
4/01-5/01	RN	Code Blue, Connecticut
6/01-9/01	RN	Houston North West Medical Center Houston, Texas
9/01-3/02	RN	Mercy Hospital Laredo, Texas
3/02- Unknown		Dimmit County Memorial Hospital Carrizo Springs, Texas
9/03-7/04	RN	Edinburg Regional Medical Center Edinburg, Texas

Respondent's professional nursing employment history continued:

8/04-11/06	Unknown	
12/06-5/07	RN	ASAP Nursing Agency McAllen, Texas
6/07-Present	Unknown	

6. At the time of the initial incident, Respondent was employed with ASAP Nursing Agency, McAllen, Texas, and had been in this position for approximately five (5) months.

7. On or about May 2007, while employed with ASAP Nursing Agency, McAllen, Texas, Respondent provided false, deceptive and misleading information in that he intentionally altered the issue and expiration dates on his American Heart Association Cardiopulomonary Resuscitation (CPR) certification card. Respondent altered the issue date to reflect November 2006 as the date he had completed the national cognitive and skills evaluations to certify proficiency and currency in CPR and altered the expiration date to reflect November 2008 as the date for renewal of the CPR certification card. Respondent's conduct was likely to deceive Respondent's employer, which and may have affected their decision to employ him.

8. On or about May 2007, while employed with ASAP Nursing Agency, McAllen, Texas, Respondent provided false, deceptive and misleading information in that he fraudulently altered an American Heart Association Pediatric Advanced Life Support (PALS) certification card to reflect he had attended the Pediatric Advanced Life Support Program at Val Verde Regional Medical Center, Del Rio, Texas, when he had never attended the course at that training site or on the date indicated. Respondent's conduct was likely to deceive Respondent's employer, which may have affected their decision to employ him.

9. On or about May 2007, while employed with ASAP Nursing Agency, McAllen, Texas, Respondent provided false, deceptive and misleading information in that he intentionally altered the expiration date on his Emergency Nurses Association (ENA) certification card. Respondent altered the expiration date to certify completion and currency of provider course requirements for the National ENA Trauma Nursing Core Course. Respondent's conduct was likely to deceive Respondent's employer, which may have affected their decision to employ him.

10. On June 11, 1999, Respondent was issued an Order on Motion to Reduce to Judgment and Modify Support in Suit Affecting the Parent-Child Relationship, Cause Number 99-1506-B, in the 117th Judicial District Court of Nueces County, Texas, which stated that Respondent was in arrears of twenty thousand dollars ($20,000) and Respondent:

"is placed on notice that should he fail to pay current child support, or toward the child support arrearage as ordered herein, the ATTORNEY GENERAL may pursue an administrative action to suspend any or all licenses he may have."

Respondent's conduct was likely to injure the public in that it deprived his children of financial support.

11. Formal Charges were filed on March 3, 2009.

12. Formal Charges were mailed to Respondent on March 9, 2009.

13. Amended Formal Charges were filed on August 7, 2009.

14. Formal Charges were mailed to Respondent August 7, 2009

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 of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(H)&(I)&(7).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Vocational Nurse License Number 633109, heretofore issued to KEITH BURGESS, including revocation of Respondent's license to practice professional vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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 privilege, if any, to practice nursing in compact states.

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 that:

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

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's

successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://www.learningext.com/products/generalce/critical/ctabout.asp.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars ($750). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION

PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work

only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(9) RESPONDENT SHALL provide proof of compliance with the Order on Motion to Reduce to Judgement and Modify Support in Suit Affecting the Parent-Child Relationship, Cause Number 99-1506-B issued on June 11, 1999 in the 117th Judicial District Court of Nueces County, Texas. RESPONDENT shall send official documentation of payment made to Nueces County District Clerk's Office, Child Support Division, or The Office of the Attorney General, Austin, Texas to the Texas Board of Nursing Monitor by the 20th of each month for a period of one (1) year. The length will be extended until twelve (12) months of compliance is shown.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENTS CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, 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 14 day of August, 2009.

Keith Burgess

KEITH BURGESS, Respondent

Sworn to and subscribed before me this 14th day of August, 2009.

SEAL

NICOLE MARIE OROZCO
Notary Public
State of Texas
Comm. Exp. January 7, 2012

Nicole M Orozco

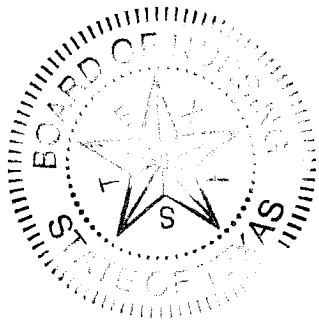
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Louis Leichter, Attorney for Respondent

Signed this 17 day of Aug, 2009

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of August, 2009, by KEITH BURGESS, Registered Nurse License Number 633109, and said Order is final.

Effective this 8th day of September, 2009.

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