



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.

Patricia A. Thomas

Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 793550	§	
& Vocational Nurse License Number 194316	§	
issued to KENNETH JAMES SLOAN	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KENNETH JAMES SLOAN, Registered Nurse License Number 793550 and Vocational Nurse License Number 194316, 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)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 12, 2018.

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 Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in inactive status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a certificate in Nursing from Galen College of Nursing, San Antonio, Texas, on April 22, 2004, and received an Associate Degree in Nursing from Excelsior College-AD, Albany, New York, on October 29, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on August 10, 2004, and was licensed to practice professional nursing in the State of Texas on November 9, 2010.

5. Respondent's nursing employment history includes:

09/2004 - 11/2004	Unknown	
12/2004 - 12/2005	LVN	Heartland Healthcare Center Houston, Texas
09/2005 - 07/2008	LVN	Odyssey Healthcare Houston, Texas
08/2007 - Present	RN/PRN	Nurse Finders Houston, Texas
08/2008 - 05/2009	LVN	Nexus Specialty Hospital Shenandoah, Texas
05/2009 - 01/2010	LVN	Houston Hospice Houston, Texas
12/2010 - 06/2011	RN	Houston Solari Hospice Care Houston, Texas
07/2011 - 11/2011	RN	Vitas Innovative Hospice Houston, Texas
12/2011 - 08/2012	RN	Christus VNA Homecare Houston, Texas
08/2012 - 08/2014	RN/PRN	Compassionate Care Houston, Texas
04/2013 - 08/2014	RN	Bethesda Lutheran Communities Houston, Texas
05/2014 - Present	RN/PRN	Seasons Hospice and Palliative Care Houston, Texas

6. At the time of the incident, Respondent was employed as an on-call Registered Nurse with Seasons Hospice and Palliative Care, Houston, Texas, and had been in that position for three (3) years and one (1) month.

7. On or about June 16, 2017, while employed as an on-call Registered Nurse with Seasons Hospice and Palliative Care, Houston, Texas, and assigned as a Registered Nurse with Atria Assisted Living Cypresswood, Spring, Texas, Respondent violated the boundaries of the

nurse/client relationship by kissing Patient LW on the cheek. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient. In addition, Respondent's conduct may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.

8. In response to Finding of Fact Number Seven (7), Respondent admits to kissing Patient LW on the cheek as he was leaving the patient's room and can only recall this occurring on one other occasion. Respondent states he now realizes he crossed the nurse/client boundaries.

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)(J) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 793550 and Vocational Nurse License Number 194316, heretofore issued to KENNETH JAMES SLOAN.
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 **REMEDIAL EDUCATION** 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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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 effective date of this Order, unless otherwise specifically indicated:**

- A. **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 courses and video programs will not be approved.

- B. **The course "Professional Boundaries in Nursing,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.
- C. **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/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.*

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(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 Agreed Order. I waive representation by counsel. 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 when this Order becomes final and the terms of this Order become effective, 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) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16th day of February, 2018.

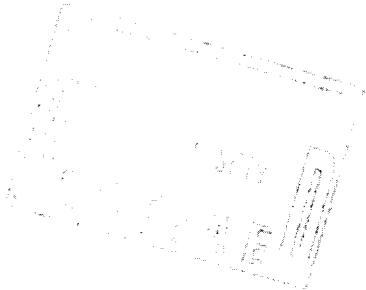
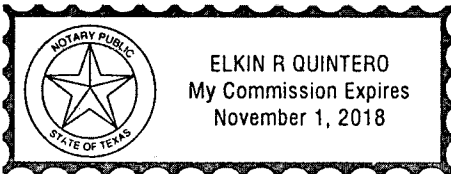
Kenneth James Sloan
KENNETH JAMES SLOAN, Respondent

Sworn to and subscribed before me this 16th day of February, 2018.

SEAL

[Signature]

Notary Public in and for the State of TEXAS



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 16th day of February, 2018, by KENNETH JAMES SLOAN, Registered Nurse License Number 793550 and Vocational Nurse License Number 194316, and said Order is final.

Effective this 21 day of February 2018.



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

