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MAY 19 2016

VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

David E. Brown, D.C.  
Director

May 16, 2016

Kenneth McKenzie  
1240 W. Coll Street  
New Braunfels, TX 78130

CERTIFIED MAIL

DUPLICATE COPY  
VIA FIRST CLASS MAIL

RE: License No.: 0001-233562

DATE 5/16/16

Dear Mr. McKenzie:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered May 16, 2016. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, the application may be obtained at [www.dhp.virginia.gov](http://www.dhp.virginia.gov).

Sincerely,

Lisa R. Hahn, M.P.A., Chief Deputy Director  
Department of Health Professions

Enclosures  
Case # 173454

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE:       KENNETH MCKENZIE, R.N.  
              License No.: 0001-233562**

**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Lisa R. Hahn, M.P.A., Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that, by an Order of the Board which was effective on April 4, 2016, the Texas Board of Nursing accepted the voluntary surrender, in lieu of further disciplinary action, of the privilege of Kenneth McKenzie, R.N., to practice nursing through the Nurse Licensure Compact in the State of Texas. Said privilege has not been reinstated. A certified copy of the Order of the Board is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Kenneth McKenzie, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Kenneth McKenzie, R.N., will be recorded as suspended and no longer current. Should Mr. McKenzie seek reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

*Lisa R. Hahn*

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Lisa R. Hahn, M.P.A., Chief Deputy Director  
Department of Health Professions

ENTERED: *May 16, 2016*



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

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9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

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### CERTIFICATION OF DUPLICATE RECORDS

I, Lisa R. Hahn, M.P.A., Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Order of the Board which was effective on April 4, 2016, regarding Kenneth McKenzie, R.N., is a true copy of the records received from the Texas Board of Nursing.

Lisa R. Hahn  
Lisa R. Hahn, M.P.A.

Date: May 16, 2016

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Privilege to Practice                   §  
From Virginia Registered Nurse                       §  
License Number 0001233562                           §  
issued to KENNETH MCKENZIE                         §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Privilege to Practice From Virginia Registered Nurse License Number 0001233562, issued to KENNETH MCKENZIE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) and 304.001, Article 5, Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

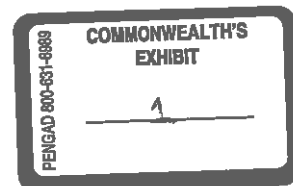
The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice as a professional nurse in the State of Virginia, a member State of the Nurse Licensure Compact, is in current status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Baccalaureate Degree in Nursing from Concordia West Suburban College of Nursing, Oak Park, Illinois, on December 1, 2004. Respondent was licensed to practice professional nursing in the State of Virginia on September 8, 2011.

4. Respondent's nursing employment history includes:

09/11 - 10/15	Unknown	
11/15 - 03/16	RN	Alamo Hospice Boerne, Texas



5. On or about August 29, 2013, Respondent entered a plea of guilty to, and was convicted of, CONSPIRACY TO DISTRIBUTE AND POSSESS WITH INTENT TO DISTRIBUTE COCAINE, a felony offense committed on January 14, 2013, in the United States District Court, Western District of Texas, San Antonio Division, San Antonio, Texas, under Case Number SA-13-CR-88(3)-DAE. As a result of the conviction, Respondent was sentenced to confinement in the United States Bureau of Prisons for a period of six (6) months.
6. On or about February 23, 2015, Respondent entered a plea of No Contest to FALSE REPORT TO POLICE OFFICER OFF/SPECIAL INVESTIGATOR/LAW ENFORCEMENT EMPLOYER, a Class B misdemeanor offense committed on March 11, 2013, in the Guadalupe County Court at Law #2, Seguin, Texas, under Cause Number CCL130740. An adjudication of guilt was deferred, and Respondent was placed on probation for a period of six (6) months.
7. On or about November 2015, Respondent failed to endorse his Registered Nurse license into Texas, as required when he changed his primary state of residence to Texas from Virginia in accordance with the Nurse Licensure Compact.
8. On or about November 2015, through March 2, 2016, Respondent practiced as a Registered Nurse in violation of the Nurse Licensure Compact. Respondent had previously established residence in the State of Texas but continued to use his Privilege to Practice from the State of Virginia.
9. On or about March 2, 2016, while utilizing a Privilege to Practice (PTP) nursing from the State of Virginia and employed with Alamo Hospice, San Antonio, Texas, Respondent telephonically communicated a fraudulent prescription for Xanax to CVS Pharmacy, San Antonio, Texas, using the name and Drug Enforcement Agency (DEA) registration number of Paul Silva, MD. Respondent's conduct was likely to deceive the pharmacy and possession of Xanax through use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On April 4, 2016, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's written statement, dated March 31, 2016, is attached and incorporated herein by reference as part of this Order.
11. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
12. 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.

## 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), 22 TEX. ADMIN. CODE §217.12(6)(A),(6)(H),(10)(B),(10)(E),(11)(B)&(13), and 22 TEX. ADMIN. CODE §220.2(b)&(f).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(10)&(13) and 304.001, Article 5, Texas Occupations Code, to take disciplinary action against Privilege to Practice From Virginia Registered Nurse License Number 0001233562, heretofore issued to KENNETH MCKENZIE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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CONTINUED ON NEXT PAGE.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Privilege to Practice From Virginia Registered Nurse License Number 0001233562, heretofore issued to KENNETH MCKENZIE, to practice nursing in the State of Texas, is/are accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of "registered nurse" or the abbreviation "RN" or wear any insignia identifying 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 privilege is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of his privilege to practice until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure and/or privileges to practice in Texas.

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.

Effective this 4th day of April, 2016.

TEXAS BOARD OF NURSING

By:



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



Texas Board of Nursing  
ATTN: Paul Longoria  
333 Guadalupe Street Set. 3-460  
Austin, Texas 78701


Thursday, March 31, 2016

To Whom It May Concern,

I, Kenneth Alan McKenzie, surrender my right to practice nursing in the State of Texas, effective immediately. I reserve the right to present mitigating circumstances and correct false assumptions outlined in the letter to me dated March 2nd, 2016, but due to my medical conditions that have recently worsened, I agree with my doctors that I am most likely done practicing nursing in any capacity.

I appreciate your consideration in this matter and will contact the board if my circumstance changes, but I do not see a pathway back to nursing.

Thank you and God Bless,

  
CPT Ken McKenzie, RN-BSN  
837 Water Lane  
New Braunfels, Texas 78130

cc Glenn Levy Law firm