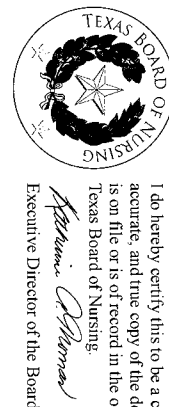


IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 147282
ISSUED TO
KAREN ANN FISHBURN

§
§
§
§
§
§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



ORDER OF THE BOARD

TO: Karen Ann Fishburn
2801 W. Atlanta Street
Broken Arrow, Oklahoma 74012

During open meeting held in Austin, Texas, on February 14, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 147282, previously issued to KAREN ANN FISHBURN, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 14th day of February, 2012.

TEXAS BOARD OF NURSING



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed October 10, 2011.

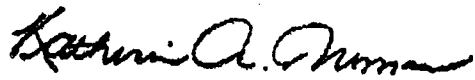
Re: Permanent Certificate Number 147282
Issued to Karen Ann Fishburn
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Karen Ann Fishburn
2801 W. Atlanta Street
Broken Arrow, Oklahoma 74012

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § BEFORE THE TEXAS
Number 147282, Issued to §
KAREN ANN FISHBURN, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KAREN ANN FISHBURN, is a Vocational Nurse holding license number 147282, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about May 25, 2010, while holding a license as a Vocational Nurse in the State of Texas, Respondent received a Stipulation, Settlement and Order from the Oklahoma Board of Nursing wherein Respondent's license to practice practical nursing in the State of Oklahoma was temporarily suspended until Respondent provided proof of acceptance into the Peer Assistance Program. On or about August 6, 2010, said license was Revoked for a period of two (2) years due to Respondent's failure to submit documentation of the successful completion of the Peer Assistance Program. A copy of the Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing dated May 25, 2010 is attached and incorporated by reference as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing dated May 25, 2010.

Filed this 10th day of October, 20 11.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing dated May 25, 2010.

D/2010.12.28

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF KAREN ANN STUFFLEBEAM FISHBURN, L.P.N.
LICENSE NO. L0021213

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 11th day of May, 2010, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

Lisa Griffiths, R.N., a Nurse Investigator with the Board, appears in person, and Karen Ann Stufflebeam Fishburn, L.P.N., (hereinafter, "Respondent") appears neither in person nor by counsel before the Panel on this date. Respondent and the Nurse Investigator participated in an investigative conference on April 14, 2010 and subsequently consented to this Order.

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma, and is the holder of License No. L0021213 issued by the Oklahoma Board of Nursing.
2. On or about October 10, 2007, Information was filed in the District Court In and For Tulsa County, Oklahoma, in Case No. CM-2007-5371, charging the Respondent with Public Drunk. On October 15, 2007, the Respondent pled guilty and was ordered to pay a fine and costs.
3. On or about January 19, 2009, the Respondent falsified an on-line license renewal submitted to the Oklahoma Board of Nursing by answering "No" to the Question, "Have you ever been arrested for any offense in any state, territory, or country, including expunged offenses,

with the exception of minor traffic violations, not previously reported in writing to this board?"

Application is attached as Exhibit "A" and made a part hereof.

4. On or about October 20, 2009, the Respondent, while working as a charge nurse on the 10 p.m. to 6 a.m. shift at Woodland View in Tulsa, Oklahoma, failed to administer intravenous antibiotics to Resident B.V. as ordered by the physician.

5. Respondent admits to having a problem with controlled dangerous substances/alcohol.

6. Respondent has requested a referral to the Peer Assistance Program.

7. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

8. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

9. Respondent fully understands and agrees that this joint stipulation and

subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

10. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

11. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

12. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent is referred to the Peer Assistance Program of the Oklahoma Board of Nursing on the following terms and conditions:

1. Respondent's license to practice licensed practical nursing is hereby **temporarily suspended** as of the date of this Order, which temporary suspension shall be set aside provided Respondent provides documentation, satisfactory to the Board, of Respondent's acceptance into the Peer Assistance Program by **August 5, 2010**.

2. If Respondent is not accepted into the Peer Assistance Program on or before **August 5, 2010**, or having been accepted is terminated from the Program for any reason other than successful completion of Respondent's contract and treatment plan, Respondent's license is hereby **revoked for a period of two (2) years**.

3. In the event Respondent's license is revoked as provided herein, any application to reinstate Respondent's license shall not be considered by the Board until Respondent presents evidence satisfactory to the Board of compliance with the Board's Guidelines For Individuals Requesting Reinstatement After Suspension, Surrender Or Revocation For Misappropriation Or Misuse Of Drugs/Alcohol, a copy of which is attached hereto and made a part hereof. Respondent must also submit evidence of the continued qualifications for practice as set forth in the applicable Statutes and Rules of the Oklahoma Board of Nursing in effect at the time of Respondent's reinstatement.

4. In the event Respondent's license is revoked as provided herein, Respondent shall pay an administrative penalty payable to the Oklahoma Board of Nursing in the amount of One Thousand Five Hundred Dollars (\$1,500.00). The administrative penalty shall be paid only by certified check, money order or cash. Any Application to Reinstate Respondent's license will not be considered until the administrative penalty is paid in full.

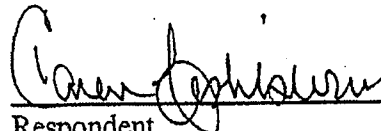
5. Upon Reinstatement, Respondent's license will be immediately placed in temporary suspension pending readmission to the Peer Assistance Program. Respondent shall provide documentation, satisfactory to the Board, of Respondent's acceptance into the Peer Assistance Program within sixty (60) days of reinstatement.

6. The parties agree that both (all) parties have participated in the drafting of this Stipulation, Settlement and Order and that no presumption or construction against any party as the drafter of this **Stipulation, Settlement and Order**, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

7. This stipulation shall not be effective until the fully executed Order is received in the Board office.

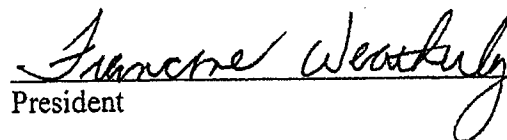
8. Upon successful completion by Respondent of Respondent's Contract, Amended Contract(s), and treatment plan with the Peer Assistance Program, no further Order of the Board shall be deemed necessary.

9. This Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.


Respondent

Approved and ordered this 25th day of May, 2010.

OKLAHOMA BOARD OF NURSING

By: 
President

LG:sr

Oklahoma Board of Nursing - Review Renewal

License Number: 21213
License Type: LPN
Status: Active (at time of renewal submission)
Submitted Renewal on: 01/19/2009

Citizenship Information

Citizenship Status: U.S. Citizen

I hereby certify under penalty of perjury that I am a United States citizen, United States national, or legal permanent resident alien and that I am lawfully present in the United States. YES

Personal Information

Name: FISHBURN, KAREN STUFFLEBEAM
Social Security Number:
Date of Birth: ---
Mailing Address 1: 2801 W ATLANTA ST
Mailing Address 2:
City: BROKEN ARROW
State: OK
Zip Code: 74012 -
Country:
Daytime Phone: 918-872-1455
Evening Phone: 918-814-8893
Email Address: nocnurse@ymail.com

Questions

→ Have you ever been arrested for any offense in any state, territory, or country, including expunged offenses, with the exception of minor traffic violations, **not previously reported in writing to this board?** (Minor traffic violations do not include DUI). N

Have you ever been convicted of any offense in any state, territory, or country, including expunged offenses, with the exception of minor traffic violations, **not previously reported in writing to the Board?** N

Have you ever received a deferred sentence for any offense in any state, territory, or country, including expunged offenses, with the exception of minor traffic violations, **not previously reported in writing to this Board?** N

Have you ever had disciplinary action taken against your nursing license, any health-related license or certificate, or any application for a nursing or health-related or certificate in any state, territory, or country, **not previously reported in writing to this Board?** N

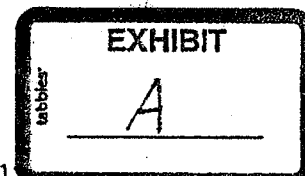
Have you ever been judicially declared incompetent in any state, territory, or country, **not previously reported in writing to the Board?** N

Practice Details

Employed in Nursing: Full Time (35+ Hours)
Field of Employment: Long-Term/Extended Care
Type of Position: General Duty/Staff
Highest Degree Held:

Employer Information

Employer Name: TULSA NURSING CENTER
Employer Address 1: 10912 EAST 14TH
Employer Address 2:



City: TULSA
State: OK
Zip Code: 74012
Country:

Certified all information completed on this renewal application is true and correct and agreed to pay for this transaction per their credit card agreement.: Yes