



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse	§	AGREED
License Number 103962	§	
issued to KAREN SUE HOLMES	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of KAREN SUE HOLMES, Vocational Nurse License Number 103962, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(10)(eff. 9/1/99) Texas Occupations Code, and 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 31, 2011, 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(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Ranger Junior College, Ranger, Texas, on August 30, 1983. Respondent was licensed to practice vocational nursing in the State of Texas on November 30, 1983.
5. Respondent's vocational nursing employment history is unknown.

6. On or about August 17, 1999, Respondent entered a plea of Guilty and was convicted of the lesser but included charge RECKLESS DRIVING (a Class B Misdemeanor offense committed on March 21, 1998), in the County Court of Crosbyton, Texas, under Cause No. 10794. As a result of the conviction, Respondent was sentenced to confinement for a period of six months; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.
7. In response to Finding of Fact Number Six (6), Respondent states: She was diagnosed with MS and was on medications for the disease.
8. On or about October 3, 2000, Respondent entered a plea of Guilty to DRIVING WHILE INTOXICATED 1st (a Class A Misdemeanor offense committed on April 30, 2000), in the County Court of Benjamin, Texas, under Cause No. 8779. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.
9. In response to Finding of Fact Number Eight (8), Respondent states: This was reported to the Board previously.
10. On or about September 16, 2007, Respondent submitted an Online Renewal Document Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that, she answered "No" to the question:

"Have you ever been arrested, convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed including any pending criminal charge or unresolved arrest whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offense and deferred adjudications with or without a finding of guilty. Please note that DUI's, DWI's, PI's must be report and are not considered minor traffic violations."

Respondent failed to disclose that, on or about August 13, 2006, Respondent was arrested by the Texas Hwy Patrol, Region 5, District A, Haskell, Texas, for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense. The criminal charge were still pending at the time she submitted the renewal to the Board.

11. In response to Finding of Fact Number Ten (10), Respondent states: She can't remember the 2007 renewal, and was adamant that she had already disclose the incident. She was very surprised when she found out that she had not disclose it to the Board. It appears her failure to disclose was due to the belief that she had already informed the Board or that she thought at the time she was not required to disclose.

12. On or about August 12, 2008, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Misdemeanor offense committed on August 13, 2006), in the County Court of Haskell County, Texas, under Cause No. 19,002. As a result of the conviction, Respondent was sentenced to confinement for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) year. Additionally, Respondent was ordered to pay a fine and court costs.
13. In response to Finding of Fact Number Twelve (12), Respondent states: This was the 2006 case that was closed and then reopened by the DA of Haskell County. The DA was Ms. Holmes' ex-husband's divorce attorney prior to becoming the DA, which is why the case was manipulated in this manner.
14. On or about July 11, 2011, Respondent underwent a forensic psychiatric evaluation, with chemical dependency component, with Alexander Howe, Ph.D. Dr. Howe's Summary state's: Ms. Holmes does not present as an individual with either major emotional or personality disorder. She does present as an individual with either a Mixed Personality Disorder with Compulsive and Historic Features that in itself may not be a restrictive approach to her being successful with her pursuit as a licensed vocational nurse. It has been proposed that Ms. Holmes may still present with a degree of bereavement over the death of her oldest son but again it does not appear to be a significant limiting factor in her pursuit of her responsibilities as a licensed vocational nurse. Presently, Ms. Holmes is not assessed to be alcohol dependent and there is no information provided that she has received any form of focused treatment to address her alcohol usage that ultimately led to her legal adjudications. However, it is the opinion of this evaluator that Ms. Holmes continues to present with potential to be abusive of alcohol to the point of being in situations or setting that could be hazardous to herself and/or others. Its recommended that the Texas Board of Nursing consider utilizing their influence in assisting Ms. Holmes in addressing her potential harmful usage of alcohol in her life. It is proposed that as her multiple sclerosis progresses, her continued denial of the adverse effects of alcohol in her life may proceed to a point of being dangerous to herself as well as people possibly under her responsibility.
15. 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 alcohol.

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 violations of Section 302.402(a)(10) (eff. 9/1/99) and 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I) &(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 103962, heretofore issued to KAREN SUE HOLMES, including revocation of Respondent's license(s) to practice 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 WARNING 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of 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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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 pay a monetary fine in the amount of two hundred fifty dollars (\$250). 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.

(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 Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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(s). 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.

(5) 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.

(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(7) 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 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.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period,

random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, that 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 RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

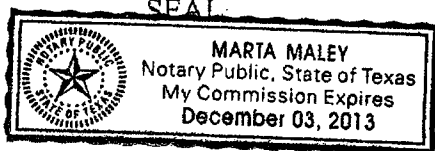
I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2 day of March 2012

Karen Sue Holmes

KAREN SUE HOLMES, Respondent

Sworn to and subscribed before me this 2nd day of March 2012



[Signature]

Notary Public in and for the State of Texas

Approved as to form and substance.

Taralynn R. Mackay

TARALYNN R. MACKAY, Attorney for Respondent

Signed this 5th day of March 2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of March, 2012, by KAREN SUE HOLMES, Vocational Nurse License Number 103962, and said Order is final.

Effective this 19th day of April, 2012.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas". The signature is written in a cursive, flowing style.

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