



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 P. Thomas*  
Executive Director of the Board

**DOCKET NUMBER 507-12-1675**

**IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 705366  
ISSUED TO  
KRISTI DAWN HUTSON**

**§  
§  
§  
§  
§**

**BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS**

**OPINION AND ORDER OF THE BOARD**

**TO: KRISTI DAWN HUTSON  
6302 BLAKE AVE., APT 12F  
AMARILLO, TX 79119**

**HUNTER BURKHALTER  
ADMINISTRATIVE LAW JUDGE  
300 WEST 15TH STREET  
AUSTIN, TEXAS 78701**

At the regularly scheduled public meeting on April 19-20, 2012, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt all of the Findings of Fact and Conclusions of Law in the PFD regarding the registered nursing license of Kristi Dawn Hutson without changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff's recommendations, and the presentation by the Respondent during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the

PFD as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 705366, previously issued to KRISTI DAWN HUTSON, to practice 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 multi-state privileges, if any, to practice nursing in the State of Texas.



Entered this 20<sup>th</sup> day of April, 2012.

TEXAS BOARD OF NURSING

A handwritten signature in cursive script, reading 'Katherine A. Thomas', is written over a horizontal line.

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-12-1675 (February 9, 2012).

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

February 9, 2012

Katherine A. Thomas, M.N., R.N.  
Executive Director  
Texas Board of Nursing  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701


**VIA INTER-AGENCY**

**RE: Docket No. 507-12-1675; In The Matter Of Permanent Certificate  
Number 705366 Issued To Kristi Dawn Hutson**

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at [www.soah.state.tx.us](http://www.soah.state.tx.us).

  
HUNTER BURKHALTER  
ADMINISTRATIVE LAW JUDGE/MEDIATOR  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

HB/Ls

Enclosures

XC: Nikki R. Hopkins, Assistant General Counsel, TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701  
- **VIA INTER-AGENCY**  
Dina Flores, Legal Assistant TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - (with 1 CD; Certified Evidentiary Record) - **VIA INTER-AGENCY**  
Kristi D. Hutson, 6302 Blake Ave., Apt. 12F, Amarillo, TX 79119 - **VIA REGULAR MAIL**

300 W. 15<sup>th</sup> Street, Suite 502, Austin, Texas 78701/ P.O. Box 13025, Austin, Texas 78711-3025  
512.475.4993 (Main) 512.475.3445 (Docketing) 512.322.2061 (Fax)  
[www.soah.state.tx.us](http://www.soah.state.tx.us)

**DOCKET NO. 507-12-1675**

**IN THE MATTER OF PERMANENT § BEFORE THE STATE OFFICE**  
**CERTIFICATE NO. 705366 ISSUED TO § OF**  
**KRISTI DAWN HUTSON § ADMINISTRATIVE HEARINGS**

**PROPOSAL FOR DECISION**

This matter was scheduled for hearing at 9:00 a.m. on February 3, 2012. Despite being sent proper notice, Kristi Dawn Hutson (Respondent) did not appear and was not represented at the hearing. For the reasons set out in the Findings of Fact and Conclusions of Law below, the Administrative Law Judge finds that the relief requested by the staff of the Texas Board of Nursing, other than the imposition of administrative costs, should be granted on a default basis.


**FINDINGS OF FACT**

1. Notice of the hearing was mailed to Respondent at Respondent's address of record at least ten days prior to the scheduled hearing.
2. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
3. The notice of hearing contained a statement in at least 12-point, boldface type that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against a party that failed to appear at the hearing.
4. The hearing was held and the record closed on February 3, 2012.
5. Respondent did not appear at the scheduled hearing and was not represented at the hearing.
6. Staff moved for a default, which is hereby granted.
7. The factual allegations set out in the notice of hearing are deemed admitted and are incorporated by reference into this Finding of Fact.

**CONCLUSIONS OF LAW**

1. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
2. The Texas Board of Nursing (Board) has jurisdiction over this matter.
3. Proper and timely notice was provided to Respondent in accordance with TEX. GOV'T CODE Ch. 2001 and 1 TEX. ADMIN. CODE ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
5. Staff has established the basis for revocation of Respondent's license as alleged in the notice of hearing, which is incorporated into this Conclusion of Law. 22 TEX. ADMIN. CODE § 213.33(m).
6. The Board is authorized to revoke Respondent's license.

SIGNED February 9, 2012.

  
HUNTER BURKHALTER  
ADMINISTRATIVE LAW JUDGE/MEDIATOR  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS BOARD OF NURSING

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In the Matter of Permanent

Certificate Number 705366

Issued to KRISTI DAWN HUTSON

NOTICE OF HEARING

SOAH Docket Number 507-12-1675

Respondent: Kristi Dawn Hutson  
c/o Attorney Nancy Roper Willson  
408 West Eighth Street, Suite 206  
Dallas, TX 75208

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a hearing will be held before an Administrative Law Judge (ALJ), beginning on the 5<sup>th</sup> day of January, 2012, at 9:00 a.m., and continuing day to day as ordered by the ALJ, at the State Office of Administrative Hearings, William P. Clements Building, 300 W. 15<sup>th</sup> Street, 4<sup>th</sup> Floor, Austin, Texas, regarding the Formal Charges previously filed and served upon you by the Texas Board of Nursing. The Formal Charges are attached and incorporated by reference as a part of this notice.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq.; Title I Part VII Texas Administrative Code Chapter 155; the Nursing Practice Act, Texas Occupations Code §301.451 through §301.555; and the Board of Nursing Rule 213 at 22 Texas Administrative Code.

The particular sections of statutes and rules involved in determining the charges are stated in the attached formal charges in connection to the facts or conduct alleged.

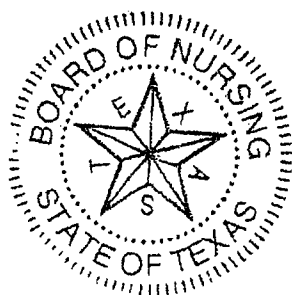
Pursuant to 22 TEX. ADMIN. CODE §213.22, you are required to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the staff (General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701). **FAILURE TO ENTER AN APPEARANCE BY FILING A WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING TO THE FORMAL CHARGES WITHIN 20 DAYS OF THE DATE THIS NOTICE WAS MAILED SHALL ENTITLE THE STAFF TO A CONTINUANCE AT THE TIME OF THE HEARING.** "Staff" is defined by 22 TEX. ADMIN. CODE §213.1(41). Continuances are set by the Administrative Law Judge.

You have the right to appear at this hearing and to have legal representation at the hearing at your own expense. FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.

If it is determined that the Formal Charges are substantiated, then any prior disciplinary action that has been taken against your license will be considered when determining the appropriate sanction for these violation(s).

Issued, dated, and mailed this, the 27<sup>th</sup> day of October, 2011.

TEXAS BOARD OF NURSING



By: *Katherine A. Thomas*  
Katherine A. Thomas, MN, RN  
Executive Director

In the Matter of Permanent License                   §     BEFORE THE TEXAS  
Number 705366, Issued to                             §  
KRISTI DAWN HUTSON, Respondent                 §     BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KRISTI DAWN HUTSON, is a Registered Nurse holding license number 705366, which is in Current 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 January 24, 2008, while employed as a Registered Nurse with Outreach Health Services, Amarillo, Texas, Respondent solicited a coworker to purchase Lortab from a patient. Possession of Lortab without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). Respondent's conduct was deceptive and likely to injure the patient from unnecessary suffering due to pain without having medications for pain control.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §217.12(1)(B), (4)&(11)(B).

#### CHARGE II

On or about January 30, 2008, while employed as a Registered Nurse with Outreach Health Services, Amarillo, Texas, Respondent engaged in the intemperate use of Cocaine in that she produced a specimen for a drug screen that resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §217.12(1)(B),(E),(5),(10)(A)&(D).



### CHARGE III

On or about May 21, 2008, while employed as a Registered Nurse with Plum Creek Specialty Hospital, Amarillo, Texas, Respondent failed to administer Primaxin 500mg to Patient Medical Record Number 103687 as ordered by the physician. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that failure to administer medications as ordered by the physician could have resulted in non efficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(C), and 217.12(1)(A)&(4).

### CHARGE IV

On or about May 21, 2008, while employed as a Registered Nurse with Plum Creek Specialty Hospital, Amarillo, Texas, Respondent withdrew Morphine and Ativan from the Med Dispense Medication Dispensing System for Patients Medical Record Numbers 104824, 403081, and 104819, and failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records, as follows:

Date	Patient MR Number	Physician's Orders	Med Dispense Record Time and Quantity	Medication Administration Record	Nurse's Notes	Wastage
05/20/2008	104824	MS 1mg IV q 3 hr prn MS 4mg IV q3 hr prn	Morphine Sulfate 10mg vial @ 8:22 pm	2020 2mg	2000 2mg Morphine given IV pt c/o pain in legs	None.
05/20/2008	403081	MS 4mg IVP now and q hr prn anxiety	Morphine Sulfate 10mg vial @ 8:47pm	2045 2mg	2045 2mg Morphine IV given	None.
05/20/2008	104819	Ativan 2mg IV q 4hr prn	Lorazepam 2mg vial @ 11:00pm	1030 No amount indicated	2300 2mg Ativan IV given	None
05/21/2008	403081	MS 4mg IVP now and q hr prn anxiety	Morphine Sulfate 10mg vial @ 12:00am	2400 2mg	2400 2mg Morphine IV given	None.
05/21/2008	403081	MS 4mg IVP now and q hr prn anxiety	Morphine Sulfate 10mg vial @ 2:35am	0230 4mg	0200 4mg Morphine IV given	None.
05/21/2008	104819	Ativan 2mg IV q 4hr prn	Lorazepam 2mg vial @ 3:15am	Not documented by Respondent	0230 Scheduled Ativan given 1mg	1mg
05/21/2008	104819	Ativan 2mg IV q 4hr prn	Lorazepam 2mg vial @ 3:15am	Not documented by Respondent	0230 Scheduled Ativan given 1mg	1mg
05/21/2008	403081	MS 4mg IVP now and q hr prn anxiety	Morphine Sulfate 10mg vial @ 3:42am	0330 4mg	0330 pt resting eyes closed	None
05/21/2008	403081	MS 4mg IVP now and q hr prn anxiety	Morphine Sulfate 10mg vial @ 6:33am	None	None	6mg

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(D) and 217.12(1)(A),(B),&(4).

#### CHARGE V

On or about May 21, 2008, while employed as a Registered Nurse with Plum Creek Specialty Hospital, Amarillo, Texas, Respondent withdrew Morphine and Ativan from the Med Dispense for Patient Medical Record Numbers 104824, 403081, and 104819, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and place them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(D) and 217.12(1)(A),(B),(4),(10)(C)&(11)(B).

#### CHARGE VI

On or about May 21, 2008, while employed as a Registered Nurse with Plum Creek Specialty Hospital, Amarillo, Texas, Respondent misappropriated Morphine and Ativan from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(B),(6)(G)&(8).

#### CHARGE VII

On or about May 21, 2008, while employed as a Registered Nurse at Plum Creek Specialty Hospital, Amarillo, Texas, Respondent engaged in the intemperate use of Methamphetamine, Morphine, and Norpropoxyphene, in that she produced a specimen for a drug screen which resulted positive for Methamphetamine, Morphine, and Norpropoxyphene. Possession of Methamphetamine, Morphine, and Norpropoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Methamphetamine, Morphine, and Norpropoxyphene by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10) Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(B),(5)&(10)(A),(D)&(11)(B).

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](http://www.bon.state.tx.us).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft & Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://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](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

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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: Order of Conditional Eligibility dated April 22, 2004.

Filed this 5<sup>th</sup> day of May, 2011.

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  
P: (512) 305-8101 or (512)305-7401

Attachments: Order of Conditional Eligibility dated April 22, 2004.

D/2010.12.28

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of	§	
KRISTI DAWN HUTSON	§	ORDER OF
PETITIONER for Eligibility for	§	CONDITIONAL ELIGIBILITY
Licensure	§	

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Application for Initial Licensure by Examination and supporting documents filed by KRISTI DAWN HUTSON, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and PETITIONER's Certificate contained herein. Information received by the Board produced evidence that PETITIONER may have violated Section 301.452(b)(12), Texas Occupations Code.

A public meeting was held on March 9, 2004, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners (Board), at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, in which the application of KRISTI DAWN HUTSON, PETITIONER, was considered.

PETITIONER appeared in person. PETITIONER was notified of her right to be represented by legal counsel and elected to waive representation by counsel.

Board Members in attendance were: Deborah Hughes Bell, CLU, ChFC; Thomas Barton, MSN, RN; Virginia Campbell, BSN, RN, CNOR. Staff present were: Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Elizabeth Higginbotham, RN, Assistant General Counsel; Anthony L. Diggs, Director, Enforcement Division; Sonia Vega, Investigator; Chalette Dominic, LVN, Investigator; Al Hill, LVN, Investigator; and Patricia Vianes-Cabrera, Legal Assistant.

## FINDINGS OF FACT

1. On or about October 20, 2003, Petitioner submitted an Application for Initial Licensure by Examination requesting a determination of eligibility for licensure in compliance with Section 301.257 *et seq.*, Texas Occupations Code.
2. Petitioner waived representation, notice, administrative hearing, and judicial review.
3. Petitioner graduated with an Associate Degree in Nursing from Amarillo College, Amarillo, Texas, in December 2003.
4. Applicant completed the Application for Initial Licensure by Examination and answered "yes" to Question Number Five (5), which reads as follows: "*Within the past five (5) years have you been diagnosed with, treated, or hospitalized for schizophrenia and/or psychotic disorders, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?*"
5. A letter was submitted by Ruben V. Mendoza, MD, Child, Adolescent and Adult Psychiatry, Amarillo, Texas, stating that Petitioner is under his care for the diagnosis of Bipolar I Disorder and Anxiety Disorder NOS. Petitioner is currently taking Depakote, Effexor, and Klonopin for mood stabilization.
6. An additional letter was submitted by Ruben V. Mendoza, MD, Child, Adolescent and Adult Psychiatry, Amarillo, Texas, stating that Petitioner is taking the medications Effexor and Klonopin and is currently stable. Dr. Mendoza feels that as long as Petitioner remains adherent to treatment she is capable of practicing as a registered nurse without limitations.
7. Petitioner presented evidence of current fitness to practice professional nursing.
8. The Board received letters of support/recommendation for Petitioner from the following:
  - A letter of reference dated February 17, 2004, was submitted on behalf of Petitioner by D'dee Grove, MSN, RN, Instructor, Amarillo College, Amarillo, Texas.
  - A letter of reference dated February 17, 2004, was submitted on behalf of Petitioner by Katherine E. Reed, MSN, RN, Associate Professor, Amarillo College, Amarillo, Texas.
  - A letter of reference dated February 18, 2004, was submitted on behalf of Petitioner by Renee Winfrey, Business Assistant, Medical Practice of Sergio Muniz, MD, Amarillo, Texas.

- A letter of reference dated February 18, 2004, was submitted on behalf of Petitioner by Isabel Santos-Ford, Medical Assistant, Sergio Muniz, MD, Amarillo, Texas.
  - A letter of recommendation was submitted on behalf of Petitioner.
9. The safety of patients and the public requires that all persons licensed to practice nursing be fit, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
  10. The Board considered evidence of Petitioner's subsequent rehabilitation as provided in §213.29, 22 Texas Administrative Code.
  11. The Committee's review of the grounds for potential ineligibility has been made on the basis of the information provided by Petitioner.
  12. Petitioner has sworn that, with the exception of matters disclosed in connection with the Application for Initial Licensure by Examination, her past behavior conforms to the Board's professional character requirements. Petitioner presented no evidence of behavior which is inconsistent with the Board's character requirements in 22 Texas Administrative Code §213.27.
  13. On March 9, 2004, the Eligibility and Disciplinary Committee of the Board considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.

#### CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.
2. Petitioner has submitted a application in compliance with Section 301.257, Texas Occupations Code.
3. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.
4. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, KRISTI DAWN HUTSON, PETITIONER, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER ORDERED that PETITIONER SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.*, and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to PETITIONER's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER's license is encumbered by this Order the PETITIONER may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where PETITIONER wishes to work.

IT IS FURTHER ORDERED that PETITIONER, upon attaining a passing grade on the NCLEX-RN®, shall be issued a license to practice nursing in the State of Texas which shall bear the appropriate notation and PETITIONER SHALL be subject to the following stipulations.

(1) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to



submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation, or until PETITIONER is dismissed from therapy.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Application for Initial Licensure by Examination, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN® Examination or accepting any permit or license from the Board of Nurse Examiners.

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.

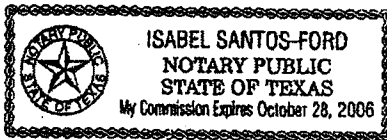
I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 7 day of April, 2004.  
Kristi Dawn Hutson  
KRISTI DAWN HUTSON, PETITIONER

Sworn to and subscribed before me this 7 day of April, 2004.

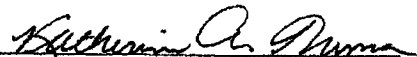
SEAL

Isabel Santos Ford  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 7<sup>th</sup> day of April, 2004, by KRISTI DAWN HUTSON, PETITIONER, for Application for Initial Licensure by Examination, and said Order is final.

Entered and effective this 22<sup>nd</sup> day of April, 2004.

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