



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 Registered Nurse License Number 607520  
& Vocational Nurse License Number 49175  
issued to KATHLEEN THERESA (HALL) GABEL

§ AGREED  
§  
§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KATHLEEN THERESA (HALL) GABEL, Registered Nurse License Number 607520, and Vocational Nurse License Number 49175, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 27, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

### 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.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas and holds a license to practice vocational nursing in the State of Texas, which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from the Houston Vocational Nursing Program, Houston, Texas, on May 31, 1971. Respondent was licensed to practice vocational nursing in the State of Texas on July 22, 1971. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on May 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on

July 15, 1994.

5. On December 1, 1976, Respondent's license to practice vocational nursing was Revoked by the Texas Board of Vocational Nurse Examiners. A copy of the Findings of Fact, Conclusions of Law, and Order of the Board dated December 1, 1976, is attached and incorporated by reference as part of this Order.
6. On May 9, 1993, Respondent's license to practice vocational nursing in the State of Texas was placed on Probation by the Texas Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Order of the Board dated May 9, 1993, is attached and incorporated by reference as part of this Order.
7. Respondent's complete vocational and professional nursing employment history is unknown.
8. At the time of the incident, Respondent was employed as a Registered Nurse with Cornerstone hospital of Houston, Houston, Texas.
9. On or about August 14, 2009, while employed with Cornerstone Hospitals of Houston, Houston, Texas, Respondent misappropriated Morphine belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Possession of Morphine, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). Respondent's conduct was likely to defraud the facility and patients of the cost of medications.
10. On or about August 15, 2009, while employed with Cornerstone Hospitals of Houston, Houston, Texas, Respondent lacked fitness to practice professional nursing, in that she admitted that she "had fallen off the wagon again" and that the narcotic medications "call out to you" and "call your name". Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.
11. In response to Findings of Fact Numbers Nine (9) and Ten (10), Respondent states: "In August 10, 2009, I did take drugs out of the Pyxis for a patient, administered their dose, and used the remainder for myself. I placed myself in TPAPN on August 10, 2009 and resigned as of August 11, 2009, from Cornerstone Hospital. I immediately began attending twice daily NA meetings, working with my sponsor, calling her daily and seeing her at meetings, I have completed steps 1-2-3. I am presently attending the Right Step Program Monday, Tuesday, Thursday, plus individual counseling. I am on random urine screens and in compliance with TPAPN."
12. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. 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.
14. Respondent's conduct described in Findings of Fact Numbers Nine (9) and Ten (10) was significantly influenced by Respondent's impairment by dependency on chemicals.
  15. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(E),(4),(5),(6)(G),(8),(10)(A),(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 607520 and Vocational Nurse License Number 49175, heretofore issued to KATHLEEN THERESA (HALL) GABEL, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to KATHLEEN THERESA (HALL) GABEL, to the office of the Texas Board of Nursing within ten (10) days from

the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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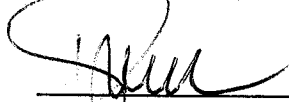
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RESPONDENT'S CERTIFICATION

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 violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

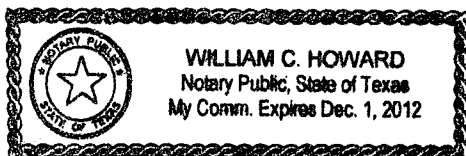
Signed this 24 day of Feb, 2010.



KATHLEEN THERESA (HALL) GABEL, Respondent

Sworn to and subscribed before me this 24<sup>th</sup> day of Feb, 2010.

SEAL




Notary Public in and for the State of TX

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 24<sup>th</sup> day of February, 2010, by KATHLEEN THERESA (HALL) GABEL, Professional Nurse License Number 607520 and Vocational Nurse License Number 49175, and said Order is final.

Entered and effective this 4<sup>th</sup> day of March, 2010.



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

NOW COMES the undersigned members of the Texas Board of  
Vocational Nurse Examiners, on this the 1st day  
of December, 1976, who, having heard  
charges and considered evidence and testimony concerning

Kathleen Gabel Hall

have determined that the charges are true and correct, and  
that her/his vocational nurse license number 49175  
is revoked by order of a majority of the members of the Board.

BOARD OF VOCATIONAL NURSE EXAMINERS

Mrs. Patricia Rachel, R.N.

Mrs. Loy Patton, LVN

Mrs. Wynelle Childers, LVN

Mrs. Winnie Warhol, LVN

Mrs. Mildred Thormann, LVN

Mrs. Patsie Anderson, LVN

Mr. Gordon Russell, Hosp. Adm.

Dr. Bill Halbert



CONFIDENTIAL

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

KATHLEEN T. HALL

aka KATHLEEN GABEL-HALL

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 049175, previously held by KATHLEEN T. HALL, aka KATHLEEN GABEL-HALL, hereinafter called Applicant.

Applicant has submitted a written request for reinstatement of said previously held license. By Order dated May 21, 1986, the Board of Vocational Nurse Examiners found that Applicant had violated the Vocational Nurse Act, or a rule, regulation or Order issued under the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c.

A prehearing conference was held on February 8, 1993, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Doris Parker, member of the Board of Vocational Nurse Examiners. Applicant was present and was not represented by counsel.

The conference was attended by Patricia Cook, Investigator for the Board, and Debbie Leach, Assistant Attorney General. By her notarized signature on this Order, Applicant does hereby waive the right to Notice of Formal Hearing and

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RE: KATHLEEN T. HALL, aka KATHLEEN GABEL-HALL

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a Formal Hearing on the Application for Reinstatement before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

After reviewing the matters relative to the Application for Reinstatement at the prehearing conference, Applicant agrees to the entry of an Order dispensing with the need for further action on this application. By Applicant's signature on this Order, Applicant acknowledges that she has read and understood this Order and has approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas Employers.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners does hereby order that license number 049175, previously issued to KATHLEEN T. HALL, aka KATHLEEN GABEL-HALL be reinstated, suspended, with said suspension stayed and placed on probation for a period of one (1) year.

The probation of said license is subject to the following stipulations to wit:

1. That by copy of this Board Order Applicant shall provide notice of Board disciplinary action to her nursing employer(s), throughout the term of probation.
2. That Applicant shall cause her nursing employer(s) to submit satisfactory reports to the Board office on a quarterly basis throughout the term of probation.
3. That Applicant shall work only under the direct supervision of a licensed medical professional throughout the term of probation.
4. That Applicant shall not be employed by a nurse registry/temporary nurse agency or as a private duty nurse throughout the term of probation.
5. That Applicant shall submit to random periodic blood alcohol and urine drug screen(s) upon demand of the Board staff throughout the term of probation. Said screens shall be properly monitored with adherence to chain of custody procedures. The results of said screens shall be submitted to the Board office by the laboratory. The expense of said screens shall be borne by Applicant.



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6. That any period(s) of unemployment must be documented in writing by Applicant and submitted directly to the Board office on a quarterly basis throughout the term of probation.

7. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately.

8. That it is also ordered that KATHLEEN T. HALL, aka KATHLEEN GABEL-HALL shall comply with all the provisions of Article 4528c, Revised Civil Statutes of Texas.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Agreed to this the 8 day of February, 1993

Kathleen Hall  
Signature of Applicant

2626 John West 2020  
Current Address

Mesquite IV 75150  
City, State and Zip

214 / 3202573  
Area Code and Telephone Number

The State of Texas

County of Texas

Before me, the undersigned authority, on this day personally appeared KATHLEEN T. HALL, aka KATHLEEN GABEL-HALL who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 8th day of February, 1993.

Chengann D. Suppiah  
NOTARY PUBLIC IN AND FOR

THE STATE OF TEXAS

My Commission Expires 3-25-95