



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.
Michelle Williams
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 572929 § AGREED
issued to KIMBERLEY SUE MOLINA § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that KIMBERLEY SUE MOLIN hereinafter referred to as Respondent, Registered Nurse License Number 572929, may have violated Article 4525(b)(2)&(9), Revised Civil Statutes of Texas, as amended, and Section 301.452(b)(2)&(10), Texas Occupations Code.

An informal conference was held on March 1, 2005, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person and was represented by Rachel Sheeran, Attorney at Law. In attendance were Mary Beth Thomas, MSN, RN, Director, Nursing Division, Executive Director's Designee; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Candace V. Heisserman, Investigator; Paul Longoria, Investigator; and Jonathan Teisher, Investigator.

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 notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas at Arlington, Arlington, Texas, on May 9, 1991. Respondent was licensed to practice professional nursing in the State of Texas on August 26, 1991.
5. Respondent's professional employment history includes:

9/91-3/93	Staff Nurse Mother Frances Hospital Tyler, Texas
3/93-7/93	Unknown
7/93-Present	Staff Nurse Cook Children's Medical Center Fort Worth, Texas
9/01-8/02	Staff Nurse All Saints Baylor Fort Worth, Texas
6. On or about October 7, 1990, Respondent was arrested by the Bryan Police Department, Bryan, Texas, for Driving While Intoxicated, a Misdemeanor offense. On or about January 31, 1992, Respondent was found guilty and convicted of the offense of Driving While Intoxicated in the Brazos County, Texas, Court at Law No. 1, Cause No. 2413-90. Respondent was assessed a punishment of confinement in the Brazos County Jail for a period of one hundred eighty (180) days, a fine in the amount of four hundred dollars (\$400.00), and court costs in the amount of one hundred twenty-seven dollars and fifty cents (\$127.50). Respondent's confinement sentence was suspended and she was placed on probation for a period of eighteen (18) months.
7. On or about February 22, 1991, Respondent was arrested in Tarrant County, Texas, for Driving While Intoxicated, a Misdemeanor offense. On or about January 30, 1992, Respondent plead guilty and was convicted of Driving While Intoxicated in the Tarrant County, Texas, Criminal Court No. 4, Cause No. 0434894. Respondent was assessed a punishment of confinement in the Tarrant County Jail for a period of fifteen (15) days, a fine in the amount of six hundred fifty dollars (\$650.00), court costs in the amount of one hundred sixty-seven dollars and fifty cents (\$167.50), and her drivers license was suspended for one (1) year.
8. On or about July 27, 1991, Respondent was arrested by the Tyler Police Department, Tyler, Texas, for Driving While Intoxicated, a Misdemeanor offense. On or about January 29, 1992, Respondent plead guilty and was convicted of Driving and Operating a Motor Vehicle in a Public Place in Smith County, Texas, While Intoxicated, a Misdemeanor, in the County

Court at Law of Smith County, Texas, Cause No. 95,457-A. Respondent was assessed a punishment of confinement in the Smith County Jail for a period of one (1) year, a fine in the amount of four hundred dollars (\$400.00), and court costs in the amount of one hundred thirty-four dollars and fifty cents (\$134.50). Respondent's confinement sentence was probated and she was placed on Community Supervision for a period of two (2) years. On or about June 10, 1998, Respondent was discharged from Community Supervision.

9. On or about August 1992, through August 2000, Respondent provided false, deceptive, and/or misleading information to the Board of Nurse Examiners for the State of Texas, in that Respondent failed to disclose her prior Driving While Intoxicated convictions as stated in Findings of Fact Numbers Six (6), Seven (7), and Eight (8) on her RN License Renewal Forms.
10. On or about January 3, 2003, Respondent was arrested by the Tarrant County Sheriff's Office, Tarrant County, Texas, for Driving While Intoxicated. On or about March 26, 2003, Respondent plead guilty and was convicted of Driving While Intoxicated, a Class B Misdemeanor, in the Tarrant County, Texas, Criminal Court Number Nine, Cause No. 0874210. Respondent was assessed a punishment of confinement in the Tarrant County Jail for a period of one hundred eighty (180) days, a fine in the amount of six hundred dollars (\$600.00), and court costs in the amount of one hundred ninety-two dollars (\$192.00). Imposition of Respondent's confinement sentence was suspended and she was placed on Community Supervision for a period of twenty-four (24) months.
11. On or about April 7, 2003, Respondent entered a Driving While Intoxicated repeat offender program at ANIMO, Arlington, Texas. Respondent completed that program on June 16, 2003. On June 17, 2003, Respondent began a Supportive Outpatient Treatment Program with ANIMO, Arlington, Texas, which she completed on December 3, 2003.
12. Respondent states that her date of sobriety is January 4, 2003.
13. The Board finds that there exists serious risks to public health and safety due to intemperate use of controlled substances or chemical dependency.

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 violations of Article 4525(b)(2)&(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1)&(17), and Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)&(22).
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 572929, heretofore issued to KIMBERLEY SUE MOLINA, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 572929, previously issued to KIMBERLEY SUE MOLINA, to practice professional nursing in Texas is hereby suspended with the said suspension stayed and Respondent is hereby placed on probation for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice professional 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to KIMBERLEY SUE MOLINA, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence. 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) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of

nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A REGISTERED NURSE LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD.

(6) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the probation conditions on RESPONDENT's license. 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 professional nursing of this Order of the Board and the probation conditions on RESPONDENT's license. 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.

(7) RESPONDENT SHALL CAUSE each present employer in professional 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 professional nurse.

(8) For the duration of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) 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

professional nursing. These reports shall be completed by the Registered 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) months for two (2) year(s) of employment as a professional nurse.

(10) 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 an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(11) 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 second three (3) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

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 probation 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 probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(12) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT'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 probation period, or until

RESPONDENT is dismissed from therapy.

(13) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

(14) RESPONDENT SHALL CAUSE her probation officer to submit written reports on forms provided to the Respondent by the Board. The reports shall indicate the RESPONDENT's compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until RESPONDENT is released from probation.

IT IS FURTHER AGREED that, upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4th day of May, 2005.

Kimberley S. Molina
KIMBERLEY SUE MOLINA, Respondent

Sworn to and subscribed before me this 4th day of May, 2005.



Rachel Sheeran
Notary Public in and for the State of _____

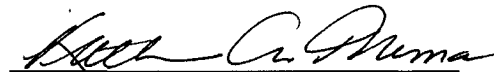
Approved as to form and substance.

Rachel Sheeran
RACHEL SHEERAN, Attorney for Respondent

Signed this 4th day of May, 2005.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 4th day of May, 2005, by KIMBERLEY SUE MOLINA, Registered Nurse License Number 572929, and said Order is final.

Effective this 14th day of May, 2005.

A handwritten signature in dark ink, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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