



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

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In the Matter of	§	AGREED
Registered Nurse License Number 702513	§	
& Vocational Nurse License Number 154467	§	
issued to KRISTIN COLLINS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KRISTIN COLLINS, Registered Nurse License Number 702513, and Vocational Nurse License Number 154467, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(3),(10)&(13) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 7, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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 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.
4. Respondent received a Certificate in Vocational Nursing from Hill College, Cleburne, Texas, on August 4, 1995 and received a Baccalaureate in Nursing from University of Texas Health Science Center, San Antonio, Texas. Respondent was licensed to practice vocational nursing in the State of Texas on September 29, 1995, and was licensed to practice professional nursing in the State of Texas on February 3, 2004.

5. Respondent's nursing employment history includes:

05/1996 - 08/1996	Vocational Nurse	Fireside Lodge Home Health Cleburne, Texas
08/1996 - 04/1997	Vocational Nurse	Care Concept & Home Health Cleburne, Texas
04/1997 - 04/1998	Not employed in Nursing	
05/1998 - 06/1998	Unknown	
07/1998 - 02/2004	Vocational Nurse	Nesbit Nursing Home Cleburne, Texas
02/2004 - 11/2010	Registered Nurse II	Seton Family of Hospitals Austin, Texas
12/2010 - Present	Unknown	

6. On February 3, 2003, Respondent was issued an Order of Conditional Eligibility by the Texas Board of Nurse Examiners. A copy of the February 3, 2003, Order of Conditional Eligibility, including Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse II with Seton Family of Hospitals, Austin, Texas, and had been in that position for five (5) years and three (3) months.
8. On or about May 21, 2009, through September 8, 2009, while employed in the Emergency Department with Seton Family of Hospitals, Austin, Texas, Respondent withdrew narcotics from the Omnicell Medication Dispensing System for patients but failed to follow the policy and procedures for wastage of unused portions of the medications as follows:

Patient Medical Number	Date/Time	Physician order	Omnicell Records	Wastage
240561	05/21/2009 2250	Ativan 1mg IV	1 Inj-Lorazepam 2mg/1ml - 1ml injection	None
200180	06/04/2009 2303	Valium 5mg IV	1 Inj-Diazepam 10mg/2ml - 2ml injection	None
206638	07/07/2009 0045	Dilaudid 0.5mg IV	1 ea-Hydromorphone 1mg/1ml - 1ml injection	None
256974	09/08/2009	Dilaudid 0.5mg	1 ea-Hydromorphone 1mg/ml - 1ml injection	None

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

9. In response to Finding of Fact Number Eight (8), Respondent states that the nurses working in the ED were not properly trained in the use of the Omnicell and were getting notices from the pharmacy that wastage was not documented. Respondent claims that eventually, they were all required to take the online course relating to the use of the Omnicell. Respondent states that once the "waste" is recorded, the nurse is required to go to the next screen and hit the "record waste" button.
10. On or about December 10, 2009, while employed in the Emergency Department with Seton Family of Hospitals, Austin, Texas, Respondent incorrectly administered 400mg of Motrin instead of the ordered 600mg of Motrin to Patient Medical Record Number 202236. Respondent's failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.
11. In response to Finding of Fact Number Ten (10) , Respondent admits that she had not required reading glasses prior to this incident. Respondent states she read the screen wrong and read it to be 400mg and that is what she administered. She states she was later informed of the error.
12. On or about December 30, 2009, while employed in the Emergency Department with Seton Family of Hospitals, Austin, Texas, Respondent incorrectly calculated a dose of Tylenol at 15mg/lb and subsequently administered that dose to Patient Medical Record Number 580917 even though the physician had ordered Tylenol 15mg/kg. Respondent's failure to correctly calculate and administer the correct dosage of Tylenol, deprived subsequent care givers of vital information and placed the patient at risk of harm.
13. In response to Finding of Fact Number Twelve (12), Respondent admits that the patients were not consistently weighed in kilograms in that some were weighed by pounds and others by kilograms. Respondent states that she miscalculated the dose and as soon as she realized it, she notified the physician and completed all the necessary paperwork. Respondent states that since this incident, all patients are weighed in kilograms.
14. On or about February 8, 2010, while employed in the Emergency Department with Seton Family of Hospitals, Austin, Texas, Respondent withdrew L.E.T. gel from the Omnicell Medication Dispensing System for Patient Medical Record Number 230496, but failed to accurately and completely document the administration of the medication in that patient's medical record. Respondent's conduct placed the patient at risk in that it deprived subsequent care givers of vital information and placed the patient at risk of overdose.
15. In response to Finding of Fact Number Fourteen (14), Respondent explains that the ER physicians had requested that L.E.T. gel be pulled from the Omnicell and have it ready for them if a patient presented to the ER with a laceration. Respondent adds that many times in the middle of a procedure, the physician would request L.E.T. gel and it was removed from the Omnicell and states that it was the nurse's responsibility to make sure the physician wrote an order, and if not, then a verbal order should be written by the nurse. Respondent does not recall this particular instance, but asserts that an order should have been written before the gel was pulled.

16. On or about November 7, 2010, while employed in the Emergency Department with Seton Family of Hospitals, Austin, Texas, Respondent incorrectly administered Moxifloxacin 400mg to Patient Medical Record Number 238176, instead of the Amox (amoxicillin) 500mg which was ordered by the physician. Respondent then incorrectly documented in the patient's medical record that she administered Amox 500mg. Respondent's failure to administer Amox instead of Moxifloxacin placed the patient at risk of harm and subsequent care givers would rely on Respondent's documentation to further medicate the patient.
17. In response to Finding of Fact Number Sixteen (16), Respondent states that the physician gave her a verbal order for Avelox 400mg as he walked past her and Respondent repeated it back. Respondent explains that she removed the Avelox from the Omnicell and administered it to the patient, but adds that after the chart became available, she saw the order for Amox 500mg and documented in the Nurses' Notes that it was given. Respondent states that after these instances, she completed an Omnicell course.
18. On or about March 30, 2010, Respondent plead "Guilty" to "ATTEMPT TO COMMIT HARASSMENT" (a misdemeanor offense which was committed on September 10, 2009) under Cause No. CCL-09-1822, in the County Court at Law #2, Guadalupe County, Texas. As a result of her plea, Respondent's adjudication of guilt was deferred and she was placed on probation for a period of ninety (90) days and ordered to pay a fine and court costs.
19. On or about October 10, 2011, Respondent pled "Nolo Contendere" to "ATTEMPT TO COMMIT CRIMINAL MISCHIEF >=\$50<\$500 (a Class C misdemeanor committed on January 15, 2011) under Cause No. CCL-11-0197, in the County Court at Law #2, Guadalupe County, Texas. As a result of her plea, Respondent's adjudication of guilt was deferred and Respondent was placed on Community Supervision for ninety (90) days and ordered to pay a fine and court costs.
20. In response to Findings of Fact Numbers Eighteen (18) and Nineteen (19), Respondent states that these were misdemeanors which have been settled and dismissed. Respondent states that these were all a result of a very sad divorce of a twenty-five (25) year marriage.

#### 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 violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D),&(1)(N). and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)(4),(6)(A)(6)(C)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 702513, and Vocational Nurse License Number 154467, heretofore issued to KRISTIN COLLINS, 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 Registered Nurse License Number 702513, and Vocational Nurse License Number 154467, previously issued to KRISTIN COLLINS, to practice nursing in Texas is/are hereby SUSPENDED for a period of two (2) years with the 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, 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 the 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.

(1) 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.

(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.texas.gov/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the

instructor 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.texas.gov/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.texas.gov/disciplinaryaction/stipscourses.html>.

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.texas.gov/disciplinaryaction/stipscourses.html>.

(6) 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. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/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 PROBATION CONDITIONS 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 THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(7) 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 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.

(8) 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.

(9) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a

Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(10) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational 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.

(11) 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 two (2) years of employment as a nurse.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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.

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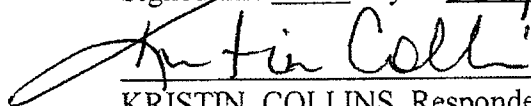
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### RESPONDENT'S CERTIFICATION

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

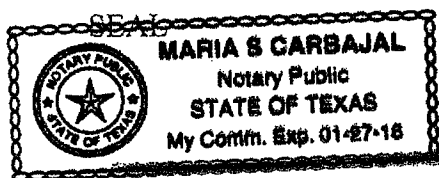
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I 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.

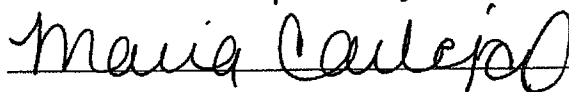
Signed this 21 day of Sept, 20 12



KRISTIN COLLINS, Respondent

Sworn to and subscribed before me this 21 day of September, 2012.






Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 21st day of September, 2012, by KRISTIN COLLINS, Registered Nurse License Number 702513, and Vocational Nurse License Number 154467, and said Order is final.

Effective this 18th day of October, 2012.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse	§	AGREED
License Number 702513 and	§	
Vocational License Number 154467	§	ORDER
issued to KRISTIN COLLINS KIZER	§	

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of KRISTIN COLLINS KIZER, Registered Nurse License Number 702513 and Vocational Nurse License Number 154467, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered 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.
2. Respondent waived representation by counsel, informal conference, 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. Respondent 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 Hill College, Cleburne, Texas, on August 4, 1995, and a Baccalaureate Degree in Nursing from The University of Texas Health Science Center, San Antonio, Texas, on December 10, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on September 28, 1995, and licensed to practice professional nursing in the State of Texas on February 3, 2004.

5. Respondent's professional nursing employment history includes:

2/23/04 - present

Staff Nurse

Seton Edgar B. Davis Hospital  
Luling, Texas

6. On February 3, 2003, Respondent was issued an Order of Conditional Eligibility by the Board of Nurse Examiners for the State of Texas. A copy of the February 3, 2003, Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On or about February 28, 2004, while employed with Seton Edgar B. Davis Hospital, Luling, Texas, Respondent failed to comply with the Order of Conditional Eligibility issued to her on February 3, 2003, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Two (2) of the Order which states, in pertinent part:

(2) ...PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a professional nurse.

8. On or about May 31, 2004, while employed with the aforementioned facility, Respondent failed to comply with the Order of Conditional Eligibility issued to her on February 3, 2003, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Four (4) of the Order which states, in pertinent part:

(4) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to PETITIONER's capability to practice professional nursing....

#### 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 301.452(b)(1), Texas Occupations Code.
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 702513 and Vocational Nurse License Number 154467, heretofore issued to KRISTIN COLLINS KIZER, including revocation of Respondent's professional license to practice professional nursing in the State of Texas and Respondent's vocational license to practice vocational nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations, and 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 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 Respondent's multistate licensure privilege, if any, to practice professional or vocational nursing in compact states.

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.



IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. 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.

(2) The Order of the Board issued to RESPONDENT on February 3, 2003, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

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

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

Signed this 21 day of September, 2004

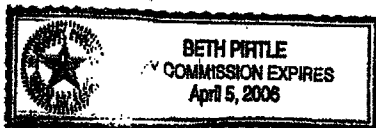
Kristin Collins Kizer  
KRISTIN COLLINS KIZER, Respondent

Sworn to and subscribed before me this 21<sup>st</sup> day of September, 2004.

SEAL


Beth Pirtle

Notary Public in and for the State of Texas



the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the  
21st day of September, 20 04, by KRISTIN COLLINS KIZER, Registered Nurse  
License Number 702513 and Vocational Nurse License Number 154467, and said Order is final.

Effective this 9th day of November, 20 04.

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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of  
KRISTIN COLLINS KIZER  
PETITIONER for Eligibility for  
Licensure

§  
§  
§  
§

ORDER OF  
CONDITIONAL ELIGIBILITY

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Petition for Declaratory Order and supporting documents filed by KRISTIN COLLINS KIZER, 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 *et seq.*, Texas Occupations Code.

A public meeting was held on December 10, 2002, 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 petition of KRISTIN COLLINS KIZER, 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: Elizabeth C. Poster, PhD, RN; Deborah Bell, Consumer Member; and Larry Canfield, CRNA, MEd. Staff present were: Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, Director, Enforcement Division; and Patricia Vianes-Cabrera, Legal Assistant.

### FINDINGS OF FACT

1. On or about September 3, 2002, Petitioner submitted a Petition for Declaratory Order in compliance with Section 301.257 *et seq.*, Texas Occupations Code.
2. Petitioner waived representation, notice, administrative hearing, and judicial review.
3. Petitioner is currently enrolled in a Baccalaureate Degree in Nursing program at the University of Texas Health Science Center at San Antonio, San Antonio, Texas with an anticipated graduation date of December 2003.
4. Petitioner disclosed the following criminal history, to wit:
  - A. On January 15, 1999, Petitioner was charged with the felony offense of Possession with Intent to Use, Sell, Circulate, or Pass a Forged or Counterfeit Instrument and Forgery by Possession of a Check with Intent to Pass, and the class A misdemeanor offense of Forgery by Possession of a Check with Intent to Pass, in the 297<sup>th</sup> District Court of Tarrant County, Texas. Petitioner entered a plea of guilty for all three (3) offenses with proceedings deferred without adjudication and Petitioner was placed on probation for five (5) years.
5. There is no evidence of any subsequent conviction.
6. The Board received letters of support/recommendation for Petitioner from the following:
  - A letter of reference dated August 11, 2002, was submitted on behalf of Petitioner by Michael Collins, Kingsbury, Texas.
  - A letter of reference dated August 20, 2002, was submitted on behalf of Petitioner by Lucy Nesbit, RN, Nesbit nursing Home, Seguin, Texas.
  - A letter of reference dated August 20, 2002, was submitted on behalf of Petitioner by David W. Nesbit, Owner/Administrator and Wendy Nesbit, Human Resource Director, Nesbit Nursing Home, Seguin, Texas.
  - A letter of reference dated October 3, 2002, was submitted on behalf of Petitioner by David F. Johns, MSN, RN, Instructor, Transitions to Professional Nursing Course Coordinator, The University of Texas Health Science Center at San Antonio, San Antonio, Texas.
  - A letter of reference dated October 10, 2002, was submitted on behalf of Petitioner by Mark A. Meyers, RN, MSN, Clinical Instructor, The University of Texas Health Science Center at San Antonio, San Antonio, Texas.

7. On December 10, 2002, the Eligibility and Disciplinary Committee of the Board considered the evidence of the conviction and evaluated its direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 Texas Administrative Code §213.28, including the nature and circumstance of the offenses, and the absence of any subsequent conviction.
8. On December 10, 2002, the Eligibility and Disciplinary Committee of the Board considered evidence of Petitioner's post conviction 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.
9. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
10. The Committee's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
11. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading will be considered and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

#### 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 petition in compliance with Section 301.257 *et seq.*, Texas Occupations Code.
3. Petitioner's criminal history reflects a conviction which is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.
4. 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.
5. The Board may license an individual who has been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

6. 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, KRISTIN COLLINS KIZER, 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.

IT IS FURTHER AGREED, AT THE TIME OF INITIAL LICENSURE, SHOULD PETITIONER CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER'S PROFESSIONAL NURSING PRACTICE SHALL BE LIMITED TO A CLINICAL PRACTICE SETTING. DURING THIS STIPULATION PERIOD, PETITIONER SHALL NOT BE SELF-EMPLOYED OR CONTRACT FOR SERVICES. PETITIONER SHALL NOT BE EMPLOYED BY A NURSE REGISTRY, TEMPORARY NURSE EMPLOYMENT AGENCY, HOME HEALTH AGENCY OR MULTIPLE EMPLOYERS. PETITIONER SHALL PRACTICE UNDER THE FOLLOWING STIPULATIONS FOR THE FIRST YEAR OF EMPLOYMENT AS A REGISTERED NURSE. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(1) PETITIONER SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order to each future employer prior to accepting an offer of employment.



(2) PETITIONER SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a professional nurse.

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

(4) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past convictions, and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Petition for Declaratory Order, 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 petition, 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, which are incorporated by reference as a part of this Order. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as 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.

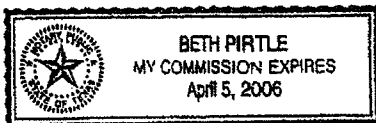
I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 13 day of January, 2003  
Kristin Collins Kizer  
KRISTIN COLLINS KIZER, PETITIONER

Sworn to and subscribed before me this 13th day of January, 2003.

SEAL


Beth Pirtle  
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 13th day of January, 2003, by KRISTIN COLLINS KIZER, PETITIONER, for Petition for Declaratory Order, and said Order is final.

Entered this 3rd day of February, 2003.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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

Attachments: Section 301.257, Texas Occupations Code  
Section 301.452(a),(b) and (c), Texas Occupations Code  
Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code  
Rule 213.27, 22 Texas Administrative Code  
Rule 213.28, 22 Texas Administrative Code  
Rule 213.29, 22 Texas Administrative Code  
Section 301.453, Texas Occupations Code