



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 § AGREED
Registered Nurse License Number 581105 §
issued to KIMBERLY ROCHELLE DIGGS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY ROCHELLE DIGGS, Registered Nurse License Number 581105, 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)(10) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 31, 2013, 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 an Associate Degree in Nursing from Oklahoma State University Technical Branch, Oklahoma City, Oklahoma on December 20, 1991. Respondent was licensed to practice professional nursing in the State of Texas on August 21, 1992.
5. Respondent's nursing employment history includes:

1992 - 1993	Unknown	
1993 - 1994	ICU Staff Nurse	South Arlington Hospital Arlington, Texas

Respondent's nursing employment history continued:

1994 - 1996	Home Health Supervisor	Concepts of Care Dallas, Texas
1996 - 1997	Education Coordinator	DFW Home Care Grand Prairie, Texas
1997 - 1998	Nurse Liaison	MI/PVNS Home Health Fort Worth, Texas
1998 - 1999	Case Manager	Citigroup/Travelers Dallas, Texas
1999 - Unknown	Health Care Consultant	Aetna U.S. Healthcare Dallas, Texas
2000 - Unknown	Assistant DON	Agape Home Health Care Mesquite, Texas
2000 - 2001	Case Manager	R.O.I. Irving, Texas
2002 - Unknown	Assistant DON	Heartland at Bedford Bedford, Texas
2002 - Unknown	Field Case Manager	Interlink Home Health Arlington, Texas
2002 - Unknown	Hospice Nurse	Hospice of Integrated Health Services Fort Worth, Texas
2002 - 2003	Rehab Case Manager	Corvel Corporation Los Colinas, Texas
2003 - 2004	Field Nurse	Dallas Home for the Jewish Aged /Rosa's Home Health Dallas/Arlington, Texas
2005 - Unknown	Field Case Manager	Sovereign Home Health Arlington, Texas
1/2006 - 3/2007	Director of Nursing	Metrocrest Home Health Grand Prairie, Texas

Respondent's professional nursing employment history continued:

4/2007 - 10/2007	Unknown	
11/2007 - Unknown	Clinical Coordinator	Allstar Healthcare, Inc. Arlington, Texas
6/2008 - Unknown	Admissions Coordinator	Ace Home Healthcare, Inc. Arlington, Texas
2008 - Unknown	Clinical Supervisor	Epic Medstaff Fort Worth, Texas
7/2008 - 2/2009	Staff Nurse	American Hospice Fort Worth, Texas
2/2009 - 4/2009	Staff Nurse	Freedom Hospice Fort Worth, Texas
5/2009 - 8/2010	Unknown	
9/2010 - 12/2010	Clinical Supervisor	Epic Medstaff Fort Worth, Texas
4/2011 - 5/2011	Home Health Nurse	A Sensitive Touch Home Healthcare Bedford, Texas
6/2011 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Home Health Nurse with A Sensitive Touch Home Healthcare, Bedford, Texas, and had been in this position for forty-two (42) days.
7. On or about May 31, 2011, while employed as a Home Health Nurse with A Sensitive Touch Home Healthcare, Bedford, Texas, Respondent submitted an altered and falsified Return to Work form to her employer which she altered to reflect information regarding work restrictions from her physician that the physician did not actually provide. Respondent's conduct by was deceiving to the physician and to her employer, which may have affected employment decisions regarding her return to work.
8. In response to Finding of Fact Number Seven (7), Respondent denies providing her work with a falsified return to work form. She states that her employer was retaliating against her for turning in the facility to Texas Department of Aging and Disability (TDADS) and Centers of Medicare and Medicaid Services (CMS).

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 §217.12(6)(A),(6)(H)&(6)(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 581105, heretofore issued to KIMBERLY ROCHELLE DIGGS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH SITPULATIONS & FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, 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>.

(2) 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>.

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred and

fifty (250) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by

the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL 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.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year(s) of employment as a nurse.

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.

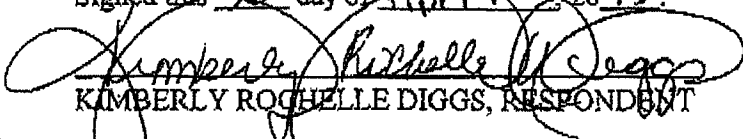
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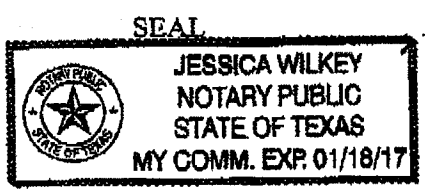
RESPONDENT'S CERTIFICATION


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 30th day of April, 2013.


KIMBERLY ROCHELLE DIGGS, RESPONDENT


Sworn to and subscribed before me this 30th day of April, 2013.




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 30th day of April, 2013, by KIMBERLY ROCHELLE DIGGS, Registered Nurse License Number 581105, and said Order is final.

Effective this 14th day of May, 2013.



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