



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 704071 §
issued to KELLY ELISE FREEMAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of KELLY ELISE FREEMAN, Registered Nurse License Number 704071, 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) & (13) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 4, 2012, 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 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 Del Mar College, Corpus Christi, Texas, on December 1, 2003. Respondent was licensed to practice professional nursing in the State of Texas on March 25, 2004.
5. Respondent's professional nursing employment history is unknown.
6. On or about May 4, 2012 through May 23, 2012, while employed as a Registered Nurse with St. David's Round Rock Medical Center, Round Rock, Texas, Respondent removed Dilaudid from the facility medication dispensing system, but failed to accurately and/or completely document the administration in the patients' medication administration records (MARs) and/or nurse's notes.

Date/Time	Patient Record #	Pyxis Medication Dispensing System	Physician's Order	Medication Administration Record	Nurses Notes	Wastage
5/4/12 18:06	D00022035472 F.W.	Hydromorphone 1mg	Dilaudid 1mg IV Q30 m/PRN	Not documented	N/A	None
5/5/12 6:23	D00022061805 P.Z.	Hydromorphone 1mg	Dilaudid 1mg IV Q30m / PRN	Not documented	N/A	None
5/18/12 11:33	D00022091629 K.A.	Hydromorphone 2mg	Dilaudid 2mg every 2hrs PRN	Not documented	N/A	None
5/23/12 13:14	D00022096680 R.M	Morphine 2mg	Morphine Sulfate Injection 4mg IV every 2hrs PRN	Not documented	N/A	None

Further review of the medical records obtained for this investigation revealed that, on or about May 5, 2012 through May 23, 2012, Respondent withdrew an additional four (4) Hydromorphone 1mg, sixteen (16) Hydromorphone 2mg and two (2) Morphine 5mg from the facility medication dispensing system for patients FW, PZ, DO, WS, RM and KA; failed to document the administration of the medications in the patients' medical records.

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

7. On or about May 4, 2012 through May 23, 2012, while employed as a Registered Nurse with St. David's Round Rock Medical Center, Round Rock, Texas, Respondent removed Dilaudid from the facility medication dispensing system but failed to follow facility policy and procedure regarding the proper wastage for the unused Dilaudid.

Date/Time	Patient Record #	Pyxis Medication Dispensing System	Physician's Order	Medication Administration Record	Nurses Notes	Wastage
5/4/12 18:06	D00022035472 F.W.	Hydromorphone 1mg	Dilaudid 1mg IV Q30 m/PRN	Not documented	N/A	None
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Further review of the medical records obtained for this investigation revealed that, on or about May 5, 2012 through May 23, 2012, Respondent withdrew an additional four (4) Hydromorphone 1mg, sixteen (16) Hydromorphone 2mg and two (2) Morphine 5mg from the facility medication dispensing system for patients FW, PZ, DO, WS, RM and KA; failed to document the wastage of any of the unused portions of the medications.

Respondent's conduct was likely to deceive the hospital pharmacy.

8. On or about May 4, 2012 through May 23, 2012, while employed as a Registered Nurse with St. David's Round Rock Medical Center, Round Rock, Texas, Respondent misappropriated Dilaudid belonging to the facility and patients thereof or failed to take precautions to prevent such misappropriation.

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Further review of the medical records obtained for this investigation revealed that, on or about May 5, 2012 through May 23, 2012, Respondent withdrew an additional four (4) Hydromorphone 1mg, sixteen (16) Hydromorphone 2mg and two (2) Morphine 5mg from the facility medication dispensing system for patients FW, PZ, DO, WS, RM and KA; failed to document the administration of the medications in the patients' medical records; and failed to document the wastage of any of the unused portions of the medications.

Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

9. In response to the conduct outlined in Findings of Fact Numbers Six (6), Seven (7) and Eight (8), Respondent denies. Respondent states that she was a charge nurse on the oncology floor and was the only one familiar with the computer system. Respondent states that typically only two nurses worked on the oncology floor and that she would administer medication to her patients as well as other nurses' patients. Respondent states that when medication was wasted the other nurse had to be located, pulled out of the patient's room and come to the Accudose machine. Respondent states that most of the time they were so busy this process was not feasible. Respondent further states they would track the nurse down and have her witness the waste and remember to waste in the computer as soon as they were both free. Respondent states that she would write reminders for herself to remember to chart the waste. Respondent states on May 25, 2012, she was told she had some suspicious medication discrepancies and she needed to give a urine sample. Respondent further states the results were negative. Respondent states it was not her intent to not follow St. David's policy and procedure regarding the proper wastage for the unused Dilaudid. Respondent states that she realizes that relying on her memory to document the wastage at the end of a very busy day was not the best practice.

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)(D), and 22 TEX. ADMIN. CODE §217.12 (1)(B), (4), (6)(G) & (10)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10) & (13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 704071, heretofore issued to KELLY ELISE FREEMAN, 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 WARNING WITH STIPULATIONS, 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 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>

(3) 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 STIPULATIONS FOR ONE (1) YEAR 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 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

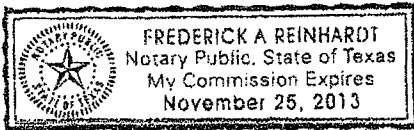
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to 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 11 day of April, 2013.

Kelly Elise Freeman
KELLY ELISE FREEMAN, RESPONDENT

Sworn to and subscribed before me this 11 day of April, 2013.

SEAL



Notary Public in and for the State of Texas

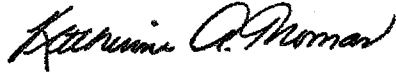
Approved as to form and substance. 3/2

John Rivas, Attorney for Respondent

Signed this 12 day of April, 2013.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of April, 2013, by KELLY ELISE FREEMAN, Registered Nurse License Number 704071, 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