



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  
Vocational Nurse License Number 112495 §  
issued to KELLY LYNN PENDLETON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KELLY LYNN PENDLETON, Vocational Nurse License Number 112495, 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)(9), (10) & (12) 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 April 21, 2014.

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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Cisco Junior College, Abilene, Texas, on May 22, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on December 4, 1985.
5. Respondent's nursing employment history includes:
 

1986 - 1987	LVN	Skyview Living Center Stamford, Texas
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Respondent's nursing employment history continued:

1987 - 1991	LVN	Abilene State School Abilene, Texas
1992 - 1999	LVN	Teakwood Manor Stamford, Texas
2000 - 10/02	LVN	Coronado Nursing Center Abilene, Texas
11/02 - 10/13	LVN	Abilene State Supported Living Center Abilene, Texas.
11/13 - Present	Unknown	

6. On or about September 10, 2001, Respondent was issued a Probated Suspension through an Agreed Order by the Board of Vocational Nurses Examiners for the State of Texas. A copy of the Order of the Board dated September 10, 2001, is attached and included, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a licensed vocational nurse with Abilene State Supported Living Center, Abilene, Texas, and had been in this position for ten (10) years and eleven (11) months.
8. On or about October 11, 2013, Respondent was arrested by the Abilene Police Department, Abilene, Texas, for DRIVING WHILE INTOXICATED 3RD OR MORE, a 3rd Degree Felony.
9. On or about October 14, 2013, while employed as a licensed vocational nurse with Abilene State Supported Living Center, Abilene, Texas, Respondent lacked fitness to practice vocational nursing in that she admitted to her employer that she needed to get treatment for alcohol abuse. Respondent was also observed as becoming more forgetful in the month leading up to her admission. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
10. Respondent's last known date of sobriety is unknown.
11. On or about January 20, 2014, Respondent submitted a letter to the Board in which she admits that she has a problem with alcohol and has completed treatment at the Serenity House, Abilene, Texas.

12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
14. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
15. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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(5)&(10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9), (10) & (12), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 112495, heretofore issued to KELLY LYNN PENDLETON, up to, and including, revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 112495, previously issued to KELLY LYNN PENDLETON, to practice nursing in Texas is/are hereby SUSPENDED and said suspension is ENFORCED until Respondent complies with Stipulation Numbers One (1) and Two (2):

(1) RESPONDENT SHALL apply to and be accepted into the TPAPN and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

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

IT IS FURTHER AGREED, upon verification of compliance with Stipulation Numbers One (1) and Two (2), the SUSPENSION will be stayed, and RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the TPAPN:

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

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

RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

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 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 multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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 may be eligible for nurse licensure compact privileges, if any.

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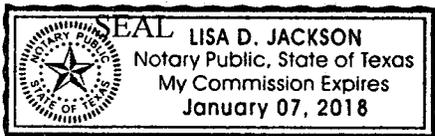
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RESPONDENT'S CERTIFICATION

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. I acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Stipulation Numbers One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15<sup>th</sup> day of October, 2014.  
Kelly Lynn Pendleton  
KELLY LYNN PENDLETON, Respondent

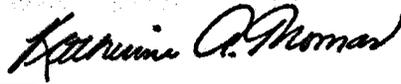
Sworn to and subscribed before me this 15 day of October, 2014.



Lisa D. Jackson  
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 15<sup>th</sup> day of October, 20 14, by KELLY LYNN PENDLETON, Vocational Nurse License Number 112495, and said Order is final.

Effective this 17th day of October, 20 14.



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

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 15<sup>th</sup> day of October, 20 14, by KELLY LYNN PENDLETON, Vocational Nurse License Number 112495, and said Order is final.

Effective this 17th day of October, 20 14.

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

BOARD OF VOCATIONAL  
NURSE EXAMINERS

VS

KELLY LYNN ABBOTT

§  
§  
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§  
§  
§

STATE OF TEXAS

COUNTY OF TRAVIS



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.  
*Patricia M. McManus*  
Executive Director of the Board

**AGREED BOARD ORDER**

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 112495, held by KELLY LYNN ABBOTT hereinafter called Respondent.

A sworn Complaint has been filed and served on the Respondent, which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

An informal conference was held on July 12, 2001, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Betty Sims, RN, MSN, Hearing Officer, assisted by Lillian Brown, member of the Board of Vocational Nurse Examiners. Respondent was present and was not represented by counsel.

The conference was attended by Lynda G. Pringle, Investigator for the Board, and Courtney Newton, Assistant Attorney General. By their notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

AGREED BOARD ORDER  
RE: KELLY LYNN ABBOTT, LVN #112495  
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After reviewing the Complaint and information provided at the informal conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

**ORDER OF THE BOARD**

**NOW THEREFORE, IT IS ORDERED**, that license number 112495, heretofore issued to KELLY LYNN ABBOTT to practice vocational nursing in the State of Texas be, and the same is hereby Suspended, with said suspension stayed and placed on probation for a period of three (3) years.

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

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That Respondent shall not practice nursing in a Nurse Licensure Compact remote state without obtaining prior written authority of both the BVNE and the Board of Nursing of the remote state.

4. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
5. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor (s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
6. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. five.
7. That Respondent shall attend weekly meeting of Alcoholics Anonymous (A.A.), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
8. That Respondent shall and hereby agrees to abstain from the consumption of Alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or use of unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's history, and it is incumbent upon Respondent to ensure such physician knowledge. If prescribed medication, RESPONDENT SHALL CAUSE the attending physician to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the Board office by the prescribing physician, within ten (10) days of the date of the prescription.
9. That Respondent shall through the Board's agent (DISA), submit to random blood alcohol drug screens.
10. That Respondent shall be responsible daily for telephoning DISA's Voice Response (DVR) at 1-800-580-1099. That said drug screen shall be administered through the policies and procedures of the Drug Intervention Services of America, Inc. (DISA), utilizing LabCorp facilities. That said drug-screening panel shall consist of the following:

Alcohol (Ethanol)	Cannabinoids	Methaqualone
Amphetamines	Cocaine	Opiates
Barbiturates	Meperidine	Phencyclidine
Benzodiazepines	Methadone	Propoxyphene

AGREED BOARD ORDER  
RE: KELLY LYNN ABBOTT, LVN #112495  
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Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. Any report of failure to contact DISA and/or a positive drug screen for which the Respondent does not have a valid prescription, will be regarded as non-compliance with the terms of this order and may subject the Respondent to further disciplinary action by the Board.

11. That Respondent pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

12. That Respondent shall pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said re-issue license will be marked "**PROBATION**". Said fee shall be made not later than thirty (30) days following the date of the commencement of probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to return said license or pay said fee shall constitute a violation of probation.

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

AGREED BOARD ORDER  
RE: KELLY LYNN ABBOTT, LVN #112495  
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Dated this the 12<sup>th</sup> day of July, 2001.

Kelly Abbott  
Signature of Respondent

500 W<sup>th</sup> Irving Ely # 11-288  
Current Address

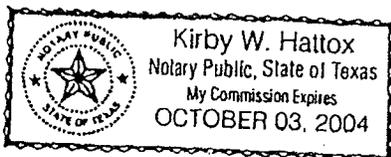
Arlene, TX 79601  
City, State and Zip

915 / 677-8088  
Area Code and Telephone Number

The State of Texas  
County of TRAVIS

Before me, the undersigned authority, on this day personally appeared KELLY LYNN ABBOTT who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 12<sup>th</sup> day of July, 2001.



[Signature]  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 10/3/04

AGREED BOARD ORDER  
RE: KELLY LYNN ABBOTT, LVN #112495  
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Betty E. Sims  
Betty E. Sims, RN, MSN  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 12<sup>th</sup>  
day of July, 2001.

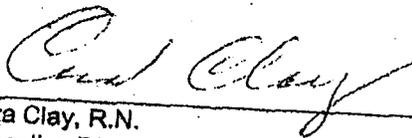


Sandy Gardner  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

BOARD ORDER  
RE: KELLY LYNN ABBOTT, LVN #112495  
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**WHEREFORE, PREMISES CONSIDERED**, the Board of Vocational Nurse  
Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order,  
notarized on the 12<sup>th</sup> day of July, 2001 by Respondent, license number 112495 and that Said  
Order is Final.

Effective this 10th day of September, 2001



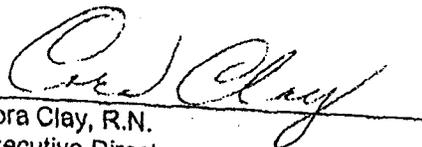
Cora Clay, R.N.  
Executive Director  
On Behalf of Said Board

BOARD ORDER  
RE: KELLY LYNN ABBOTT, LVN #112495  
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2001, a true and correct copy of the foregoing  
**BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the  
following person(s):

KELLY LYNN ABBOTT  
500 NORTH JUDGE ELY NO. 11-288  
ABILENE TX 79601

  
Cora Clay, R.N.  
Executive Director  
Agent for the Board of Vocational Nurse Examiners