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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 116963 §
issued to LISA ANN KIRCHELL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LISA ANN KIRCHELL, Vocational Nurse License Number 116963, 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)(8), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 3, 2015.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Lawrence County Career and Technical Center, New Castle, Pennsylvania on February 7, 1983 . Respondent was licensed to practice vocational nursing in the State of Texas on March 20, 1987.
5. Respondent's vocational nursing employment history is unknown.

6. On or about December 8, 2014, Respondent submitted a Delinquent (Expired) License Renewal Form to the Texas Board of Nursing, in which she answered "Yes" to the question: "Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspend, placed on probation, refused to renew a nursing license, certificate, or multi-state privilege held by you now or previously, or ever fined, censured, reprimand, or otherwise disciplined you? (You may exclude disciplinary actions previously disclosed to the Texas Board of Nursing on an initial licensure or renewal application)".

Respondent disclosed that, on or about December 3, 2008, Respondent's license to practice professional nursing in the State of Pennsylvania was SUSPENDED for three (3) years. On or about July 13, 2011, Respondent's license to practice professional nursing in the State of Pennsylvania was REINSTATED and placed on PROBATION for a period of three (3) years based on the following:

In 2001, using drugs became more of a daily occurrence, and Respondent would use Vicodin, Xanax, Valium, crack, marijuana, alcohol. While in Pennsylvania, Respondent used Oxycontin, Roxynol, and Heroin (not IV), among others. After Respondent began using again, she fell asleep at work, and as a result, her employer asked her to be drug- tested. Respondent agreed and tested positive for "just about everything". She was subsequently terminated.

In November 2006, Respondent entered into a Voluntary Recovery Program Consent Agreement with the Commonwealth. On or about February 22, 2007, Respondent violated her Agreement in that she submitted to a random observed body fluid specimen, that was positive for Oxymorphone.

On March 11, 2008, Respondent violated the Board's Order in that Respondent submitted to a random observed body fluid specimen, that was positive for Propoxyphene. On or about December 5, 2014, Respondent successfully completed all the terms and conditions of her Board Order.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 116963, heretofore issued to LISA ANN KIRCHELL.

4. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study courses and video programs will not be approved.

- B. 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. RESTORATION OF UNENCUMBERED LICENSE(S)

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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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 terms of this 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3 day of April, 2015.

Lisa Ann Kirshell
LISA ANN KIRCHELL, Respondent

Sworn to and subscribed before me this 3 day of April, 2015

SEAL

Terri Ritter

Notary Public in and for the State of Pa.

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Terri Ritter, Notary Public
City of New Castle, Lawrence County
My Commission Expires March 23, 2018
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of April, 2015, by LISA ANN KIRCHELL, Vocational Nurse License Number 116963, and said Order is final.

Effective this 6th day of April, 2015.



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