

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Vocational Nurse License Number 170317 §
issued to LINDA JOANNE KIMBRELL §



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 Thomas
Executive Director of the Board

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 170317, issued to LINDA JOANNE KIMBRELL, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Nursing from Northeast Oklahoma Vocational-Technical School of Nursing, Pryor, Oklahoma, on July 29, 1983. Respondent was licensed to practice vocational nursing in the State of Texas on November 24, 1998.

4. Respondent's nursing employment history includes:

1982 - 1983	Charge Nurse	Betty Ann Nursing Home Grove, Oklahoma
1983 - 1991	Staff Nurse	Grove General Hospital Grove, Oklahoma

Respondent's nursing employment history continued:

1990 - 1991	Charge Nurse	Miami Baptist Hospital Miami, Oklahoma
1991 - 1992	Unknown	
1992 - 1993	Staff Nurse	Duncan Regional Hospital Duncan, Oklahoma
1993 - 1994	Charge Nurse	Kanakuk Nursing Home Duncan, Oklahoma
1994 - 1997	Home Health Nurse	Osten-Kimberly Quality Home Care Duncan, Oklahoma
1997 - 1999	Unknown	
1999 - 2001	Charge Nurse	Mabank Nursing Home Mabank, Texas
2000 - 2001	Charge Nurse	Kemp Nursing Home Kemp, Texas
2001 - 2014	Staff Nurse	East Texas Medical Center Athens, Texas
2014 - Present	Unknown	

5. On or about November 15, 2014, while employed as Licensed Vocational Nurse with East Texas Medical Center, Athens, Texas, and assigned to the Obstetrics Unit, Respondent withdrew ten (10) tabs of Hydrocodone from the Medication Dispensing System (Pyxis) for Patient Medical Record Numbers 25348772, 25342817, and 25342742, but failed to document, or accurately and completely document, the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurse's Notes. Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Furthermore, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
6. On or about November 15, 2014, while employed as Licensed Vocational Nurse with East Texas Medical Center, Athens, Texas, and assigned to the Obstetrics Unit, Respondent withdrew ten (10) tabs of Hydrocodone from the Medication Dispensing System (Pyxis) for

Patient Medical Record Numbers 25348772, 25342817, and 25342742, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

7. On or about November 15, 2014, while employed as Licensed Vocational Nurse with East Texas Medical Center, Athens, Texas, and assigned to the Obstetrics Unit, Respondent misappropriated ten (10) tabs of Hydrocodone belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. In addition, patient medical record number 25342817 had a physician's order for two (2) tablets of Hydrocodone every four (4) hours and instead of receiving two (2) tablets of Hydrocodone, patient medical record number 25342817 received two (2) pills from Respondent that had the word "Tylenol," scratched off of the side of them. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On May 21, 2015, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated May 5, 2015, is attached and incorporated herein by reference as part of this Order.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. 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.

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)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(G),(8),(10)(C),(10)(E)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 170317, heretofore issued to LINDA JOANNE KIMBRELL, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

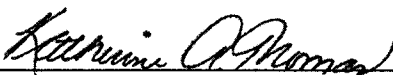
NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 170317, heretofore issued to LINDA JOANNE KIMBRELL, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 21st day of May, 2015.

TEXAS BOARD OF NURSING

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

LINDA JOANNE KIMBRELL
136 ANDERSON LN
MABANK, TX 75156
Vocational Nurse License Number 170317

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice in Texas.

I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I may not petition for reinstatement until one (1) year from the effective date of the

Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time

I submit any petition for reinstatement.

Signature Linda Joanne Kimbrell
Date 5-5-15

, Vocational Nurse License Number 170317

The State of Texas

Before me, the undersigned authority, on this date personally appeared LINDA JOANNE KIMBRELL 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 before me the 5th day of May, 20 15.

SEAL

Cynthia King
Notary Public in and for the State of Texas.

