



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 P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse § REINSTATEMENT  
License Number 548084 §  
issued to KATHY D. AUSTIN § AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 548084, held by KATHY D. AUSTIN, hereinafter referred to as Petitioner.

An informal conference was conducted on May 31, 2016, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code. Petitioner appeared in person.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Lamar University, Beaumont, Texas on May 1, 1988, a Baccalaureate Degree in Nursing from the University of Texas Medical Branch, Galveston, Texas, in 1991, and a Masters in Nursing from the University of Virginia, Charlottesville, Virginia, on August 15, 2001. Petitioner was licensed to practice professional nursing in the State of Texas on September 1, 1988, and was licensed to practice advanced practice nursing in the role of acute care adult nurse practitioner with prescription authorization on December 15, 2006.

4. Petitioner's nursing employment history includes:

1988 - 1991	Staff/Charge Nurse	St. Elizabeth Hospital Beaumont, Texas
1991 - 1998	Clinical Coordinator	St. Elizabeth Hospital Beaumont, Texas
1998 - 1999	Staff Nurse	Arlington Hospital Arlington, Virginia

Petitioner's nursing employment history continued:

1999 - 2000	Clinical Educator	Arlington Hospital Arlington, Virginia
2000 - 2001	Pulmonary Clinician	Pulmonary Medical Associates Arlington, Virginia
2001 - 2004	Acute Care NP	Pulmonary Medical Associates Arlington, Virginia
2004 - 2005	Acute Care NP	Mary Washington Hospital Fredericksburg, Virginia
2004 - 2006	Acute Care NP	North Virginia Pulmonary & Critical Care Associates Annandale, Virginia
2005 - 2007	Acute Care NP	University of Virginia Health System Charlottesville, Virginia
2007 - 2008	Acute Care NP	The Methodist Hospital/ Texas Medical Center Houston, Texas
2008 - 2012	Acute Care NP	The Methodist Hospital Physicians Org. Houston, Texas
2013 - present	Unknown	

5. On February 12, 2013, Petitioner's licenses to practice advanced practice registered nursing with prescription authorization and professional nursing in the State of Texas were revoked by the Texas Board of Nursing. A copy of the February 12, 2013, Order of the Board and Formal Charges are attached and incorporated herein by reference as part of this Order.
6. On or about December 28, 2015, Petitioner submitted a Petition for Reinstatement of License to practice professional and advanced practice registered nursing in the State of Texas. On May 31, 2016, Petitioner withdrew her petition for reinstatement of license to practice advanced practice registered nursing in the State of Texas.
7. Petitioner presented the following in support of her petition:
  - 7.1. Order on State's Motion to Modify or Revoke Probation Judgment issued for Cause No. 11-264-CR in the County Court at Law of Kendall County, Texas. Motion dismissed and unsatisfactory discharge from supervision issued July 22, 2014.

- 7.2. Comprehensive Individual Psychological Assessment and Counseling Report, report date December 14, 2015, from Earl V. Jones, PhD, LPC, Conroe, Texas, indicating states Petitioner completed all evaluations and treatment assignments successfully. Petitioner is actively pursuing successful continued and permanent sobriety. She is maintaining an active relationship with her AA sponsor, is active in sponsoring people within the program, attends 3-4 meetings per week, is active in her church and maintains those relationships, and expresses willingness to continue therapy with this clinician or any clinician the Board of Nursing would appoint. Petitioner expresses that she would willingly and diligently comply with any and all of the activities/requirements that the Board of Nursing or TPAPN would stipulate.
- 7.3. Letter of support, dated September 14, 2015, from Kimberly Guest, Conroe, Texas, stating she has known Petitioner since January 2015, when she became Petitioner's sponsor. Petitioner has been sober for over two (2) years. Since that time, Petitioner has worked the steps and embraced recovery as a way of life for the rest of her life. She is very willing to go to any length to keep her sobriety, no matter the sacrifice.
- 7.4. Letter of support, from Billy Waltmon RRT, RCP, Houston, Texas, stating he has had a professional, co-worker relationship with Petitioner since 2007. They both worked at The Houston Methodist Hospital in the Texas Medical Center. During that time Mr. Waltmon had the highest regard and respect for Petitioner due to her professionalism, knowledge and bed side care of patients. Since Petitioner left Methodist Hospital Mr. Waltmon learned of her illness and the difficulties in her personal life. He assures during the time they worked together he never witnessed any behavior, conduct or error in judgment that would reflect such issues. Mr. Waltmon understands after talking to Petitioner that she is well on the road to recovery.
- 7.5. Letter of support, from Judy Williams, Seabrook, Texas, stating she has known Petitioner since May 2014, when she came to live with her because she needed help and support to recover from a lengthy illness and hospitalizations. Petitioner shared her struggles with alcoholism with Ms. Williams with "a rigorous honesty." Petitioner continues her diligence in her faith and attends AA meetings and now does service work and is a sponsor to other women who suffer from this tragic illness.
- 7.6. Letter of support, dated August 28, 2015, from Dr. and Mrs. Carl L. Yaws, The Woodlands, Texas, stating he and his wife have known Petitioner for over thirty (30) years. Petitioner came to live near them in October 2014, to help he and his wife with daily needs. Petitioner was glad to be in service and it was clear what a gift this opportunity was to her. She remained steadfast in her faith and serving others. She attends AA meetings and is an amazing example of how the program works. Petitioner now does service work and sponsors other women who desire sobriety.
- 7.7. Letter of support, dated August, 11, 2015, from Bruce and Cathy Turner, Pasadena, Texas, stating they met Petitioner in April 2014, at a time when she had lost everything due to having developed alcohol dependency while coping with an abusive spouse and subsequent divorce. All of this contributed to severe health

issues, lengthy hospitalizations and other negative consequences. Petitioner, with almost no resources, but with a connection to fellow Christians, was determined to return to her faith, and supporting herself once again. The Turners state Petitioner has followed up on those determinations with zeal, sincerity and love for her fellow human beings.

- 7.8. Letter of support, dated August 13, 2016, from Billy J. Stover, Pasadena, Texas, stating he has known Petitioner after her challenges with alcoholism and health issues. He has observed her conduct and manner of life. Petitioner has picked herself up and succeeded in improving herself to be a trustworthy, competent and caring person again. In his opinion, Petitioner has overcome these problems in her life and demonstrated daily to those who know her, a sincere desire to help others.
- 7.9. Letter of support, dated August 30, 2015, from Keith L. Arrants, RPSGT, REEGT, Montgomery, Texas, stating he met Petitioner about one (1) year ago when she began helping a family from the church they both attend. She cares for the family's elderly parents who suffer significant health problems. The more Mr. Arrants talked with Petitioner he learned of her struggles and alcoholism and efforts for sobriety. Having personally watched her interaction with the couple and how much she is loved by them and those from her church, he feels the dependency on alcohol is truly behind her.
- 7.10. Letter of support, dated August 12, 2015, from Garrett Timmerman, Pasadena, Texas, stating he feels though Petitioner has suffered through much turmoil, some of her own making and some not, she has demonstrated over the past two (2) years a determined and committed effort to show a renewal of religious faith and vocational responsibility. This is evidenced by loyal attendance to church services and caring for those of ill health, including her own mother and father and others. Petitioner has shown to those that know her that she is responsible, in good health and ready to resume nursing service.
- 7.11. Letter of support, dated August 30, 2015, from Don Hooton, Woodlands Church of Christ, Shendandoah, Texas, stating Petitioner has been worshiping since 2013 and became an active member of the church almost immediately. Petitioner takes an active role in their Bible classes and makes useful contributions to discussions that reflect her good nature and serving heart. Petitioner has remained diligent and committed to her recovery as well as empowering others in AA to find the courage, as she has, to face the future with a new found determination and clarity.
- 7.12. Letter of support, dated August 25, 2015, from Gerald Garner, Pasadena, Texas, stating he is a minister for the Southside Church of Christ in Pasadena where Petitioner was a member before moving to The Woodlands area. He explains Petitioner showed tremendous personal commitment and integrity. She helped care for those who needed her and demonstrated a true servant's heart. She was dependable, trustworthy and willing to do whatever was asked of her. In his preaching career, Mr. Garner has been associated with many nurses in various hospitals and care facilities and Petitioner possesses the gifts of compassion and strength which qualify her to work in this most noble profession.

- 7.13. Documentation of negative screens collected monthly from August 14, 2015, through May 11, 2016.
- 7.14. Documentation of the required continuing education contact hours.
8. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Tex. Admin. Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character and relicensure.
9. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
10. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.
3. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Tex. Admin. Code §213.27, and pursuant to 22 Tex. Admin. Code §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

### TERMS OF ORDER

#### I. REINSTATEMENT OF LICENSURE

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of KATHY D. AUSTIN for reinstatement of license to practice professional nursing in the state of Texas be **GRANTED** and Registered Nurse License Number 548084 is hereby **REINSTATED** in accordance with the terms of this Order.

## II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, PETITIONER agrees to obtain, read, and 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.

- A. PETITIONER SHALL pay all re-registration fees, if applicable, and PETITIONER'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- B. This Order SHALL be applicable to PETITIONER's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. PETITIONER 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 PETITIONER wishes to work.

## III. NURSING REFRESHER COURSE

**Prior to practicing as a professional nurse,** PETITIONER SHALL successfully complete a Board-approved nursing refresher course and in addition to any other courses stipulated in this Order or continuing education requirements the Board may require for licensure renewal.

- A. PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.
- B. PETITIONER SHALL obtain Board approval of the nursing refresher course prior to enrollment. In order for the course to be approved, the target audience shall include Nurses. The course's content shall include: 1) the role of the nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) pharmacology review; 4) medication administration review for all standard routes of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course shall include a minimum of the clinical components, providing direct patient care supervised by another registered nurse, as stated on the Board's website, [http://www.bon.texas.gov/pdfs/forms\\_pdfs/applications\\_pdfs/6mth\\_pdfs/6mth-rn.pdf](http://www.bon.texas.gov/pdfs/forms_pdfs/applications_pdfs/6mth_pdfs/6mth-rn.pdf). Home study courses and video programs will not be approved.

- C. Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of PETITIONER's successful completion of the refresher course, including the required clinical component.

#### IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of relicensure, 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), PETITIONER 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. PETITIONER 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](http://www.bon.texas.gov/compliance).*

#### V. MONITORING FEE

PETITIONER SHALL **pay a monitoring fee in the amount of five hundred dollars (\$500.00) within forty-five (45) days of suspension being stayed.** 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.

## VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as a nurse, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.



- D. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned.
- E. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.
- F. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- G. **Indirect Supervision:** For the remainder of the stipulation period, PETITIONER 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 PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- H. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [three (3) years] of employment as a nurse.

## VII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, PETITIONER SHALL **abstain from the use of alcohol, tramadol and all controlled substances,** except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was

prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, PETITIONER SHALL submit to random periodic screens for alcohol, tramadol, and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when PETITIONER obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1<sup>st</sup> quarter] period PETITIONER works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2<sup>nd</sup> quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3<sup>rd</sup> & 4<sup>th</sup> quarters], random screens shall be performed at least once per month.
- For the remainder of the stipulation period, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board. Any test result for a period of time in which the PETITIONER is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Specimens shall be screened for at least the following substances and their metabolites:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER'S place of employment at any time during the probation period and require PETITIONER to produce a specimen for screening.

**Consequences of Positive or Missed Screens.** Any positive result for which PETITIONER does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject PETITIONER to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. **While under the terms of this Order, PETITIONER SHALL attend at least two (2) support group meetings each week,** one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

## VIII. THERAPY

**While working as a nurse under the terms of this Order, RESPONDENT SHALL participate in therapy with a professional counselor approved by the Board.** RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. For the first three (3) month quarterly period RESPONDENT works as a nurse under the terms of this Order, reports are to be submitted to the Board each and every month. If therapy is recommended by the counselor for an additional period of time, the reports shall then be submitted to the Board at the end of each three (3) month quarterly period in which the RESPONDENT is working as a nurse under the terms of this Order, for the remainder of the term of the Order, or until RESPONDENT is dismissed from therapy, whichever is earlier.

## IX. RESTORATION OF UNENCUMBERED LICENSE(S)

With the exception of Advanced Practice Registered Nurse license number AP115505, upon full compliance with the terms of this Order, all other 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.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

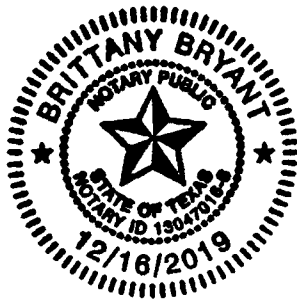
Signed this 29 day of JUNE, 2016

Kathy D. Austin  
KATHY D. AUSTIN, Petitioner

Sworn to and subscribed before me this 29 day of June, 2016

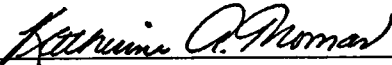
SEAL

Brittany Bryant  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 29th day of June, 2016, by KATHY D. AUSTIN, Registered Nurse License Number 548084, and said Order is final.

Effective this 9th day of August, 2016.

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

IN THE MATTER OF  
ADVANCED PRACTICE NURSE,  
PERMANENT REGISTERED NURSE  
LICENSE NUMBER 548084  
ISSUED TO  
KATHY D AUSTIN

§  
§  
§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE

**ORDER OF THE BOARD**

TO: KATHY D AUSTIN  
4307 BROOK SHADOW DRIVE  
KINGWOOD, TX 77345

During open meeting held in Austin, Texas, on Tuesday, February 12, 2013, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by



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.  
*Stephanie Chapman*  
Executive Director of the Board

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.


All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Advanced Practice Nurse (APN), Permanent Registered Nurse License Number 548084, previously issued to KATHY D AUSTIN, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 12th day of February, 2013.

TEXAS BOARD OF NURSING

BY:   
\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed October 8, 2012.

In the Matter of Advance Practice Nurse and § BEFORE THE TEXAS  
Permanent Registered Nurse §  
License Number 548084 §  
Issued to KATHY D. AUSTIN, §  
Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KATHY D. AUSTIN, is a Advanced Practice Nurse and Registered Nurse holding License Number 548084 which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### CHARGE I.

On or about January 2011, while employed as a Registered Nurse with The Methodist Hospital, Houston, Texas, Respondent lacked fitness to practice nursing in that she referred herself to the Texas Peer Assistance Program for Nurses (TPAPN) for alcohol dependency. Additionally, on or about April 14, 2011, Respondent called her case manager and admitted to a relapse. 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(B)&(1)(T) and 217.12(1)(A),(B)&(E),(4)&(5)

#### CHARGE II.

On or about June 2, 2011, Respondent was arrested by Boerne Police Department, Boerne, Texas, for DRIVING WHILE INTOXICATED/OPEN ALCOHOL CONTAINER (a Class B Misdemeanor Offense), and POSSESSION OF A DANGEROUS DRUG (a Class A Misdemeanor Offense). Subsequently, on or about December 6, 2011, Respondent entered a plea of "Guilty" to OBSTRUCTION OF HIGHWAY OR PASSAGEWAY (a Class B Misdemeanor offense) in the County Court a Law of Kendall County, Texas, under Cause No. 11-264-CR. As a result of the plea, Respondent was placed on Probation for a period of eight (8) months. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(3), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).



NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

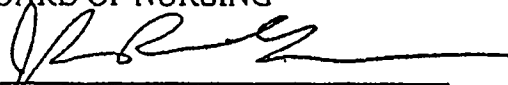
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

Filed this 8 day of October, 2012.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6811  
F: (512) 305-8101 or (512)305-7401

Re: APN, Permanent Registered Nurse License Number 548084  
Issued to KATHY D AUSTIN  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of February, 2013, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

KATHY D AUSTIN  
4307 BROOK SHADOW DRIVE  
KINGWOOD, TX 77345

BY: *Katherine A. Thomas*  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD