



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  
Registered Nurse License Number 617193  
issued to BEVERLY ANN KERSH

§     AGREED  
§  
§     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo  
considered the matter of BEVERLY ANN KERSH, Registered Nurse License Number 617193,  
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), 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 April 28, 2016.

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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Sandford Brown College, St. Peters, Missouri, on December 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on June 20, 1995.
5. Respondent's professional nursing employment history includes:

07/95 - 07/12	Regulatory Affairs Specialist	Texas Health Resources Dallas, Texas
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Respondent's professional nursing employment history continued:

08/12 - 09/12	Unknown	
10/12 - 02/14	Research Nurse	UT Southwestern Dallas, Texas
03/14	Unknown	
04/14 - 10/14	RN Injector	Serena Med Spa Dallas, Texas
11/14	Unknown	
12/14 - 10/15	Research Nurse	Baylor Research Institute Dallas, Texas
11/15 - Present	Unknown	

6. On or about December 2014 to September 2015, while employed as a Research Nurse with Baylor Scott & White Health, Baylor Research Institute, Dallas, Texas, Respondent exceeded her scope of practice by obtaining and/or dispensing HCG injections to clients of her own personal business, without physician's orders, physician oversight or physician authorization. Additionally, Respondent failed to obtain and/or document a complete medical history for her clients, or evaluate the effects of the HCG injections on her clients, while on facility premises and without facility authorization. Respondent's conduct was likely to injure her clients in that Respondent did not possess the knowledge and skills required when distributing a weight loss product and unnecessarily exposed her clients to risk of harm from complications associated with HCG injections.
7. On or about August 2015, while employed as a Research Nurse with Baylor Scott & White Health, Baylor Research Institute, Dallas, Texas, Respondent misrepresented herself as a doctor of philosophy (PhD) to her employer. Respondent's conduct was deceptive and could have influenced her employer's decision to employ her.
8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states that she battled a weight problem for many years and had tried a multitude of weight loss methods. Respondent states that she researched and discovered the Hcg diet and got the results she had been searching for. Respondent states she wanted to help others who had the same difficulty losing weight. Respondent states she began sharing the information with her co-workers and friends, and since she had personal experience with the weight loss program she felt that it was a safe method to lose weight. Respondent states she never had anyone call her with a problem and none of her clients suffered any harm as a result of the Hcg. Respondent adds

that she never personally injected anyone with the product, nor did she use her position at Baylor to obtain clients. Respondent also adds that she had never presented herself as a doctor/physician to anyone.

### 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)(C)&(3) and 217.12(1)(A),(1)(B),(4)&(6)(H).
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 617193, heretofore issued to BEVERLY ANN KERSH, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. 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 **REPRIMAND WITH STIPULATIONS AND FINE** 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. A Board-approved course in pharmacology that shall be a minimum of six (6) hours in length, not including homework assignments. The course shall include content on: all of the major drug classifications and their physiological and therapeutic effects; dosages and administration; precautions; contraindications; and nursing implications. Courses focusing on only one (1) or two (2) groups of drugs, or relating to only one (1) clinical area of practice, will not be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course.
- C. 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.

- D. The course "**Professional Accountability ....**" a 5.4 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](http://www.bon.texas.gov/compliance).*

#### IV. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of entry of this Order. 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.

#### V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) 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:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

B. **Notification of Employment Forms:** RESPONDENT 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. RESPONDENT 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. **Indirect Supervision:** 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.

D. **Nursing Performance Evaluations:** 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 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 eight (8) quarters [two (2) years] of employment as a nurse.

## VI. 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.

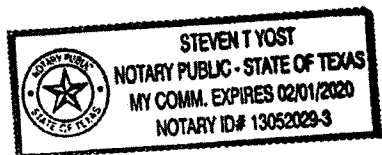
RESPONDENT'S CERTIFICATION

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 entry 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 22 day of July, 2016.  
Beverly Ann Kersh  
BEVERLY ANN KERSH, Respondent

Sworn to and subscribed before me this 22 day of July, 2016

SEAL



Steven T Yost  
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Bridget Eyer  
Bridget Eyer, Attorney for Respondent

Signed this 20 day of July, 2016

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of July, 2016, by BEVERLY ANN KERSH, Registered Nurse License Number 617193, and said Order is final.

Effective this 13th day of September, 2016.



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