



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 A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 597764 §
issued to KIMBERLEY JAYNE BAKER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLEY JAYNE BAKER, Registered Nurse License Number 597764, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

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

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 Diploma in Nursing from Algonquin College of Applied Arts and Technology, Ottawa, Ontario, on May 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on September 20, 1993.
5. Respondent's nursing employment history includes:

05/1993 - 03/2011	Unknown	
04/2011 - 03/2015	RN	Corpus Christi Medical Center Corpus Christi, Texas

Respondent's nursing employment history continued:

04/2015 - 02/16	Unknown	
03/2016 - 09/2016	RN	Mission Regional Medical Center Mission, Texas
10/2016 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Corpus Christi Medical Center, Corpus Christi, Texas, and had been in that position for three (3) years and eleven (11) months.
7. On or about March 2015, while employed as a Registered Nurse with Corpus Christi Medical Center, Corpus Christi, Texas, Respondent lacked fitness to practice professional nursing in that she solicited pain medication from a co-worker. Respondent's conduct 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.
8. On or about March 13, 2015, through March 17, 2015, while employed as a Registered Nurse with Corpus Christi Medical Center, Corpus Christi, Texas, Respondent lacked fitness to practice professional nursing in that she was observed sleeping during her shifts by several co-workers. Respondent's conduct 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.
9. On or about March 13, 2015, while employed as a Registered Nurse with Corpus Christi Medical Center, Corpus Christi, Texas, Respondent failed to administer penicillin to Patient DO00741900 and Patient DO00704407, as ordered by a physician. Respondent's conduct was likely to injure the patient in that failure to administer penicillin as ordered by a physician could have resulted in non-efficacious treatment.
10. On or about March 18, 2015, while employed as a Registered Nurse in the Labor and Deliver unit of Corpus Christi Medical Center, Corpus Christi, Texas, Respondent failed to notify the physician of Patient's DO00621140's change in condition after the patient became fully dilated and ready to push. Respondent's conduct denied the physician information necessary to make appropriate decisions for medical care.
11. On or about August 26, 2016, while employed as a Registered Nurse with Mission Regional Medical Center, Mission, Texas, Respondent entered verbal orders for Patient

V00101039094 for Demerol without obtaining valid physicians' orders. Respondent's conduct was likely to injure the patients, in that the administration of medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act).

12. On or about August 28, 2016, while employed as a Registered Nurse with Mission Regional Medical Center, Mission, Texas, Respondent failed to notify the physician of Patient V00101039345's change in condition when the patient's fetal heart rate strip was rated a Category III. Respondent's conduct denied the physician information necessary to make appropriate decisions for medical care.
13. On or about August 28, 2016, while employed as a Registered Nurse with Mission Regional Medical Center, Mission, Texas, Respondent falsely documented that she administered Demerol to Patient V00101039345 in the Medication Administration Record (MAR), but the patient denied receiving the medication. Respondent's conduct created an inaccurate medical record and failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.
14. On or about August 29, 2016, while employed as a Registered Nurse with Mission Regional Medical Center, Mission, Texas, Respondent withdrew one syringe of Demerol 50mg from the medication dispensing system for Patient Medical Record Number v00101039274, but failed to document and/or accurately and completely document the administration of the medication in the patients' Medication Administration Record (MAR) and/or Nurses' Notes. Respondent's conduct was likely to injure the patient, in that subsequent caregivers would rely on her documentation to further medicate the patient which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
15. On or about August 29, 2016, while employed as a Registered Nurse with Mission Regional Medical Center, Mission, Texas, Respondent withdrew one syringe of Demerol 50mg from the medication dispensing system for Patient Medical Record Number V00101039274, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications.
16. On or about August 29, 2016, while employed as a Registered Nurse with Mission Regional Medical Center, Mission, Texas, Respondent misappropriated one syringe of Demerol 50mg, an opioid narcotic pain medication, from Patient Medical Record Number V00101039274, belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation.
17. On or about September 7, 2016, Respondent may have lacked fitness to practice nursing in that she entered treatment at Kemah Palms Recovery, Kemah, Texas, with a positive urinary

drug screen for Benzodiazepines, and was diagnosed with Opioid use disorder, severe and Opioid dependence with withdrawal. Respondent's mental and physical health condition could have affected her ability to recognize subtle signs, symptoms or changes in a patients' condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.

18. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent states her back was acting up so she asked if anyone had anything for pain. Respondent states she worked frequently because they were short staffed. Respondent states she was not notified that a medication error had occurred.
19. Formal Charges were filed on March 24, 2016.
20. Formal Charges were mailed to Respondent on March 31, 2016.
21. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
22. 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.
23. 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)(C),(1)(D),(1)(P)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(1)(E),(4),(5),(6)(A),(6)(H),(10)(B),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 597764, heretofore issued to KIMBERLEY JAYNE BAKER, 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.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 597764, heretofore issued to KIMBERLEY JAYNE BAKER, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. At least one (1) year has elapsed from the date of this Order; and
 - B. RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition for reinstatement.
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.

RESPONDENT'S CERTIFICATION

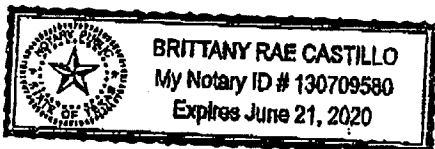
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 25 day of January, 2017.

Kim Baker
KIMBERLEY JAYNE BAKER, Respondent

Sworn to and subscribed before me this 25 day of January, 2017.

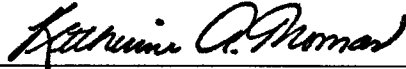
SEAL



Brittany Rae Castillo
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 the voluntary surrender of Registered Nurse License Number 597764, previously issued to KIMBERLEY JAYNE BAKER.

Effective this 25th day of January, 2017.



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