



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

In the Matter of	§	AGREED
Vocational Nurse License Number 318377	§	
issued to KRISTINA DIANE WHITNEY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KRISTINA DIANE WHITNEY, Vocational Nurse License Number 318377, 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 July 14, 2017.

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 Texas State Technical College, Sweetwater, Texas on December 6, 2013. Respondent was licensed to practice vocational nursing in the State of Texas on January 21, 2014.
5. Respondent's nursing employment history includes:

1/2014 - 2/2017	LVN	Southern Health Partners Chattanooga, Tennessee
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2/2017 - Present	Unknown
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6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Southern Health Partners, Chattanooga, Tennessee, and had been in that position for three (3) years.
7. On or about September 2016, through February 2017, while employed as a Licensed Vocational Nurse with Southern Health Partners, Chattanooga, Tennessee, and assigned to Stephens County Jail, Breckenridge, Texas, and Jones County Jail, Anson, Texas, Respondent failed to follow the facilities' policy and procedures for wastage of unused portions of medications. More specifically, Respondent transferred the medications prescribed to former patients between Stephens County Jail, Breckenridge, Texas, and Jones County Jail, Anson, Texas, to administer them to other patients. In addition, Respondent admitted to a law enforcement officer that she transferred medications from Stephens County Jail, Breckenridge, Texas, to Jones County Jail, Anson, Texas. Respondent's conduct left medications unaccounted for, was likely to deceive the facilities pharmacies, and placed the pharmacies in violation of Chapter 483 (Dangerous Drugs Act) of the Texas Health and Safety Code.
8. On or about September 2016, through February 2017, while employed as a Licensed Vocational Nurse with Southern Health Partners, Chattanooga, Tennessee, and assigned to Stephens County Jail, Breckenridge, Texas, and Jones County Jail, Anson, Texas, Respondent misappropriated medications belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation in that she transferred medications between Stephens County Jail, Breckenridge, Texas, and Jones County Jail, Anson, Texas. Respondent's conduct was likely to defraud the facility and patients thereof of the costs of the medications.
9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent admits to transferring medications between the two facilities. Respondent states she was trained to do this practice and was following the instruction of her supervisors. Respondent states her ex-husband turned in a box of medication he retrieved from her car and turned it in the Stephens County Sheriff's Department.

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) and 22 TEX. ADMIN. CODE § 217.12(1)(A),(1)(B),(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 318377, heretofore issued to KRISTINA DIANE WHITNEY.
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, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION WITH A 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the

Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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.*

V. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty**

dollars (\$250.00) 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.

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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

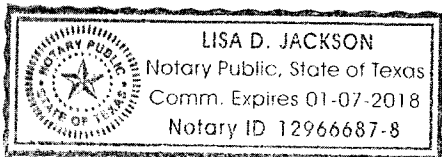
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of 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 10th day of August, 2017.

Kristina Diane Whitney
KRISTINA DIANE WHITNEY, Respondent

Sworn to and subscribed before me this 10 day of August, 2017.

SEAL



Lisa D. Jackson
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 ratify and adopt the Agreed Order that was signed on the 10th day of August, 2017, by KRISTINA DIANE WHITNEY, Vocational Nurse License Number 318377, and said Order is final.

Effective this 14th day of August, 2017.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

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