



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 P. Thomas
Executive Director of the Board

IN THE MATTER OF PERMANENT
REGISTERED NURSE
LICENSE NUMBER 885765
ISSUED TO
CRISTINA MARIE MCLEMORE,
RESPONDENT

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: CRISTINA MARIE MCLEMORE
14900 N PENNSYLVANIA AVE, 1727
OKLAHOMA CITY, OK 73134

During open meeting held in Austin, Texas, on June 12, 2018, 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

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 Permanent Registered Nurse License Number 885765, previously issued to CRISTINA MARIE MCLEMORE, 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 June, 2018.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed April 11, 2018.

d17r(RN)(2016.05.11)

Re: Permanent Registered Nurse License Number 885765
Issued to CRISTINA MARIE MCLEMORE
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of June, 2018, 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

CRISTINA MARIE MCLEMORE
14900 N PENNSYLVANIA AVE, 1727
OKLAHOMA CITY, OK 73134

Via USPS First Class Mail

CRISTINA MARIE MCLEMORE
68 NW SANDY TRAIL LANE, #727
LAWTON, OK 73505



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 885765 §
Issued to CRISTINA MARIE MCLEMORE, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CRISTINA MARIE MCLEMORE, is a Registered Nurse holding License Number 885765, which is in current 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 December 9, 2017, Respondent's Oklahoma Registered Nurse license was Revoked by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma, for two (2) years. A copy of the Oklahoma Board of Nursing's Order effective December 9, 2017, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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.

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.

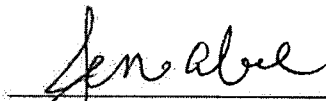
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct; related to Behavior Involving Lying and Falsification; and related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website. www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website. www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Oklahoma Board of Nursing's Order effective December 9, 2017.

Filed this 11th day of April, 2018.

TEXAS BOARD OF NURSING



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

Jena Abel, Deputy General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 24036103

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State Bar No. 24091434

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State Bar No. 24081149

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State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512)305-7401

Attachments: Oklahoma Board of Nursing's Order effective December 9, 2017

D(2018.02.26)

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF CRISTINA MARIE MCLEMORE, R.N.
LICENSE NO. R0099214

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter comes on for hearing before the Oklahoma Board of Nursing ("Board") on the 15th day of November, 2017, at the Sheraton Oklahoma City Downtown, 1 North Broadway Avenue, 2nd Floor Ballroom, Oklahoma City, Oklahoma. A quorum of members was present pursuant to 59 O.S. § 567.4(E). Board member Susie Jones recused.

The Board is represented by Debbie McKinney, Esq. and Cristina Marie McLemore, R.N. ("Respondent") appeared in person without counsel at the hearing on this date.

The Board, after reviewing the pleadings, hearing and considering all of the evidence and being fully advised, finds by clear and convincing evidence and enters the following Findings of Fact, Conclusions of Law and Order ("Order").

JURISDICTION

This Order is issued pursuant to the Oklahoma Nursing Practice Act, 59 O.S. § 567.1, *et seq.*

FINDINGS OF FACT

The Board after hearing all the evidence presented, hereby issues the following Findings of Fact established by clear and convincing evidence.

1. Proper notice of this hearing and the Complaint has been served on Respondent as required by law.
2. Respondent has been advised of her right to an attorney and has voluntarily waived her right to an attorney.

3. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0099214 issued by the Board. The Respondent's licensing history is attached to the Complaint and incorporated by reference as if set forth in full herein.

4. On September 11, 2017, Starla Griffith, R.N., Nurse Investigator of the Board, filed a Complaint against Respondent's registered nurse license alleging facts that constitute violations of the Oklahoma Nursing Practice Act. The Complaint is incorporated by reference as if set forth in full herein.

5. On September 27, 2017, the Board received Respondent's Response and Notice of Appearance. The Response and Notice of Appearance are incorporated by reference as if set forth in full herein.

6. On or about March 22, 2016, the Respondent, while employed by Next Medical Staffing in Dayton, Ohio ("Agency") and working as a registered nurse on the 7 a.m. to 7 p.m. shift on the Intensive Care Step Down Unit at INTEGRIS Baptist Medical Center in Oklahoma City, Oklahoma ("Hospital"), admitted to the Hospital Nurse Manager and the Agency Recruiter that she had injected herself with the waste of Controlled Dangerous Substance ("CDS") medications from the Hospital. Respondent informed the Hospital Nurse Manager that the Respondent would contact her Board's Peer Assistance Program ("Program") case manager from the Respondent's previous Program participation. The Respondent's Agency contract with the Hospital was terminated. (Testimony of Lisa Aishman, R.N.)

7. On or about March 24, 2016, Erica McArthur, Case Manager for the Program, met with the Respondent. During the meeting the Respondent admitted that she had diverted Morphine, a Schedule II CDS medication from the Hospital and injected herself with 2 mg of Morphine on three

occasions over a six-day period to help with the Respondent's pain. (Testimony of Erica McArthur, R.N.)

8. On or about April 27, 2016 Jenny Barnhouse, Program Coordinator for the Board's Peer Assistance Program, was present when the Respondent met with a Program Entry Committee and the Respondent denied substance use, and was not offered a Program Contract. (Testimony of Jenny Barnhouse, DNP, R.N., CNE)

9. On or about March 8, 2017, Jenny Barnhouse, Program Coordinator for the Board's Peer Assistance Program, met with the Respondent. During the meeting the Respondent admitted to substance use with drugs and alcohol. Respondent admitted she no longer attended Alcoholics Anonymous meetings nor had a sponsor to support her recovery. The Respondent then met with a Program Entry Committee and admitted to substance use; however, said Alcoholics Anonymous attendance would not be beneficial for the Respondent. The Program Entry Committee informed the Respondent she had significant denial; therefore, she was not offered a Program contract. (Testimony of Jenny Barnhouse, DNP, R.N., CNE)

10. During the Hearing the Respondent admitted she diverted CDS medications waste from the Hospital and took the CDS medications home with her; however, denied using the CDS medications. Respondent further testified that she participated in an intensive outpatient program at INTEGRIS Decisions and periodic counseling after her Hospital employment contract was terminated. The Respondent further testified her current prescription medications, taken on a daily basis, include Adderall (prescribed for attention deficit hyperactivity disorder), Lexapro and Lithium (prescribed for depression), and Trazadone (prescribed for insomnia). (Testimony of Respondent)

11. During the Hearing the Respondent could not state her last use of a CDS medication. Respondent testified she could not provide a sobriety date from the use of alcohol as the Respondent

says she currently drinks wine with dinner. (Testimony of Respondent)

12. In considering the factors for the imposition of an administrative penalty, pursuant to 59 O.S. § 567.8(A)(2) and (J)(1) & (2), the Board finds that in addition to the violation(s) of the Oklahoma Nursing Practice Act by Respondent, the Board has considered those factors set forth in O.A.C. 485:10-11-2(c) of the Rules promulgated by the Oklahoma Board of Nursing, and relies specifically on Factor Number 1: evidence of actual or potential harm to patients, clients or the public; Factor Number 2: the seriousness of the violation, including the nature, circumstances, extent and gravity of any prohibited acts, and the hazard or potential hazard created to the health, safety and welfare of the public; Factor Number 5: evidence of present lack of fitness; on Factor Number 6: evidence of prior disciplinary history by the Board or any other health care licensing agency in Oklahoma or another jurisdiction; and Factor Number 9: the deterrent effect of the penalty imposed.

13. The Board finds there was clear and convincing evidence presented at the hearing on this date to support the allegations against the Respondent.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to 59 O.S. § 567.1, *et seq.* and O.A.C. 485:10-11-1, *et seq.*, of the Rules promulgated by this Board.

2. The Board concludes that Respondent fails to adequately care for patients or to conform to the minimum standards of acceptable nursing practice that, in the opinion of the Board, unnecessarily exposed a patient to risk of harm, which is in violation of 59 O.S. § 567.8(B)(3) as defined in the Rules promulgated by the Board, specifically, O.A.C. 485:10-11-1(b)(2); is intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients, which is in violation of 59 O.S. § 567.8(B)(4); violated a rule promulgated by the Board, an order of the Board, or a state or federal law relating to the practice of registered nursing, or a state or federal narcotics or

controlled dangerous substance law, which is in violation of 59 O.S. § 567.8(B)(9); and is guilty of unprofessional conduct, which is in violation of 59 O.S. § 567.8(B)(7) as defined in the Rules promulgated by the Board, specifically, O.A.C. 485:10-11-1(b)(3)(C)(D)(H)(T) and (U).

3. Based on the evidence presented, the Board finds that Respondent's conduct is grounds to deny, revoke, suspend or discipline Respondent's license, and to impose an administrative penalty, and to recover the costs of the investigation, all as provided in 59 O.S. § 567.8(A)(1), (2) & (3), (J)(1) & (2), (L) and (M), with reliance specifically on O.A.C. 485:10-11-2(c)(1), (2), (5), (6) and (9) of the Rules promulgated by the Oklahoma Board of Nursing.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the license to practice registered nursing in the State of Oklahoma held by Cristina Marie McLemore, R.N., is revoked for two (2) years.

1. Respondent is to return Respondent's pocket license card, if available, to the Board office within five (5) working days from receipt of this Order.

2. Any application to reinstate Respondent's license shall not be considered by the Board until Respondent presents evidence satisfactory to the Board of compliance with the Board's Guidelines for Individuals Requesting Reinstatement after Suspension, Surrender or Revocation for Misappropriation or Misuse of Drugs/Alcohol, in effect at the time of this Order. Respondent must also submit evidence of the continuing qualifications for practice as set forth in the applicable Statutes and Rules of the Oklahoma Board of Nursing in effect at the time of Respondent's reinstatement.

3. Upon reinstatement of any nursing license, Respondent's license will be immediately placed in temporary suspension pending admission to the Peer Assistance Program ("Program").

Respondent shall provide documentation, satisfactory to the Board, of Respondent's acceptance into the Program within **sixty (60) days of reinstatement of any nursing license.**

4. If Respondent is not accepted into the Program within sixty (60) days of reinstatement, or having been accepted is terminated/defaulted from the Program for any reason other than successful completion of Respondent's contract and treatment plan, Respondent's license is hereby **revoked for a period of two (2) years from the date of non-acceptance in the Program or the date of the termination/default from the Program.**

5. In the event Respondent's license is revoked after reinstatement and non-acceptance to the Program and/or termination/default from the Program, Respondent shall pay an administrative penalty payable to the Oklahoma Board of Nursing in the full amount of **One Thousand Five Hundred Dollars (\$1,500.00)**. Partial payments are not accepted. The administrative penalty shall be paid only by certified check, money order or cash. Any application to reinstate Respondent's license after reinstatement and non-acceptance to the Program and/or termination/default from the Program, will not be considered until the administrative penalty is paid in full.

6. In the event Respondent's license is revoked after reinstatement and non-acceptance to the Program and/or termination/default from the Program, Respondent shall **pay the cost of the investigation and prosecution** of the disciplinary action payable to the Oklahoma Board of Nursing in the full amount of **One Thousand One Hundred and 57/100 Dollars (\$1,100.57)**. Partial payments are not accepted. The investigation cost shall be paid only by certified check, money order or cash. Any application to reinstate Respondent's license after reinstatement and non-acceptance to the Program and/or termination/default from the Program, will not be considered until the investigative cost is paid in full.

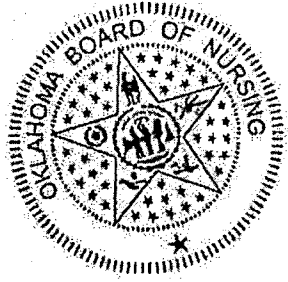
7. In the event Respondent's license is revoked after reinstatement and non-acceptance to the Program and/or termination/default from the Program, Respondent shall provide documentation of the successful completion of the Board's Guidelines for Individuals Requesting Reinstatement after Suspension, Surrender or Revocation for Misappropriation or Misuse of Drugs/Alcohol in effect at the time of Respondent's revocation from the Program.

8. Respondent shall comply in all respects with the Oklahoma Nursing Practice Act, 59 O.S. § 567.1, *et seq.*, the Rules of the Board found at Oklahoma Administrative Code Title 485 Chapters 1 and 10 and Guidelines relating to nursing education, licensure and practice and this Order.

9. In the event the Certified Mail delivery of Respondent's Order is unsuccessful, a process server will be hired to obtain service of the Order. If it is necessary to serve the Respondent by a process server, the Respondent agrees to reimburse the Board for the actual cost of the process server. The Respondent shall pay to the Board the actual cost of the process service **prior to reinstatement**. The process service fee shall be paid shall be paid only by certified check, money order or cash to the Board.

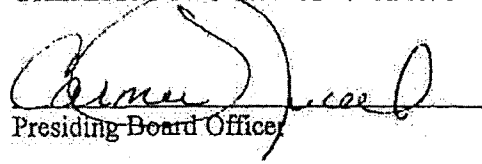
IT IS FURTHER ORDERED that this Order shall become final after anticompetitive review and a determination by the Oklahoma Attorney General, 74 O.S. §18b(A)(5), that the Order is in compliance with the Board's authority and mission to protect the public health, safety and welfare, and Respondent's receipt of the fully executed Order.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct by Respondent is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.



OKLAHOMA BOARD OF NURSING

By:


Presiding Board Officer

KK:ad