

In the Matter of  
Permanent Vocational Nurse  
License Number 161284  
Issued to KEMBERLY CELESTE TRIGG,  
Respondent

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



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

**ORDER OF THE BOARD**

TO: Kemberly Trigg  
5808 Blackmore Ave  
Fort Worth, TX 76107

During open meeting held in Austin, Texas, on **May 14, 2019**, 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 Vocational Nurse License Number 161284, previously issued to KEMBERLY CELESTE TRIGG 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 14<sup>th</sup> day of May, 2019

TEXAS BOARD OF NURSING

BY: \_\_\_\_\_



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

Attachment: Formal Charges filed January 28, 2019

d17r(2019.04.22)

Re: Permanent Vocational Nurse License Number 161284  
Issued to KEMBERLY CELESTE TRIGG  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of May, 2019, 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,

Copy Via USPS First Class Mail

Kemberly Trigg  
5808 Blackmore Ave  
Ft Worth, TX 76107

BY: \_\_\_\_\_

*Katherine A. Thomas*

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

**In the Matter of  
Permanent Vocational Nurse  
License Number 161284  
Issued to KEMBERLY CELESTE TRIGG,  
Respondent**

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**BEFORE THE TEXAS  
BOARD OF NURSING**

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KEMBERLY CELESTE TRIGG, is a Vocational Nurse holding license number 161284 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 October 5, 2018, through October 14, 2018, while employed as a Licensed Vocational Nurse (LVN) with River Oaks Health & Rehabilitation, Fort Worth, Texas, Respondent falsified the signatures of other nurses on the narcotic count sheet for Resident RB. Respondent's conduct created an inaccurate narcotic record and placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H),(10)(B),(10)(E)&(11)(B).

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## CHARGE II.

On or about October 8, 2018, through October 12, 2018, while employed as a Licensed Vocational Nurse (LVN) with River Oaks Health & Rehabilitation, Fort Worth, Texas, Respondent signed out Hydrocodone on the narcotic count sheet for Resident RB, but failed to document the administration of the Hydrocodone in the resident's medication administration record (MAR), as follows:

Date	Time	Patient	Controlled Drug Record (Qty)	MAR
10/08/18	0630	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/08/18	1020	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/08/18	1400	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/09/18	0630	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/09/18	1000	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/09/18	1400	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/10/18	0600	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/10/18	1000	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/10/18	1400	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/12/18	0600	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/12/18	1000	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None
10/12/18	1400	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None

Respondent's conduct was likely to injure the resident in that subsequent care givers would rely on her document to further medicate the resident, which could result in an overdose. Additionally, Respondent's conduct placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4)&(11)(B).

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### CHARGE III.

On or about October 8, 2018, through October 12, 2018, while employed as a Licensed Vocational Nurse (LVN) with River Oaks Health & Rehabilitation, Fort Worth, Texas, Respondent signed out Hydrocodone on the narcotic count sheet for Resident RB, but failed to follow the facility's policy and procedure for wastage of any unused portions of the medication, as follows:

Date	Time	Patient	Controlled Drug Record (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
10/08/18	0630	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/08/18	1020	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/08/18	1400	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/09/18	0630	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/09/18	1000	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/09/18	1400	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/10/18	0600	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/10/18	1000	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/10/18	1400	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/12/18	0600	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/12/18	1000	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None
10/12/18	1400	588 [RB]	Hydrocodone-Acetaminophen 5-325mg (2)	None	Hydrocodone 5-325mg give 2 q4hrs prn pain	None	None

Respondent's conduct left Hydrocodone unaccounted for, was likely to deceive the facility, and placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

#### **CHARGE IV.**

On or about October 8, 2018, through October 12, 2018, while employed as a Licensed Vocational Nurse (LVN) with River Oaks Health & Rehabilitation, Fort Worth, Texas, Respondent misappropriated Hydrocodone from Resident RB. Respondent's conduct was likely to defraud the facility and the resident of the cost of the medication.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

#### **CHARGE V.**

On or about October 15, 2018, while employed as a Licensed Vocational Nurse (LVN) with River Oaks Health & Rehabilitation, Fort Worth, Texas, Respondent engaged in the intemperate use of opiates in that she produced a specimen for a urine drug screen which resulted positive for opiates. The use of opiates by a Licensed Vocational Nurse (LVN), while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in the residents' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the residents in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(5)&(10)(A).

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) and/or privilege(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](http://www.bon.texas.gov).

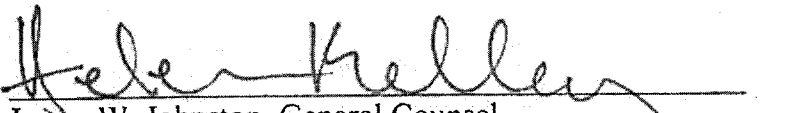
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, on adopted policies related to Behavior Involving Lying and Falsification, and on adopted policies related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://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](http://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: Order(s) of the Board dated July 23, 2009.

Filed this 28<sup>th</sup> day of January, 2019

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

Helen Kelley, Assistant General Counsel  
State Bar No. 24086520

Skyler Landon Shafer, Assistant General Counsel  
State Bar No. 24081149

Jacqueline A. Strashun, Assistant General Counsel  
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

Attachment(s): Order(s) of the Board dated September 11, 2000 and July 23, 2009.

D(2019.01.14)



BOARD OF VOCATIONAL  
NURSE EXAMINERS

\* STATE OF TEXAS  
\*  
\*  
\*  
\*  
\*

VS.

KEMBERLY CELESTE TRIGG

\* COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 161284 held by KEMBERLY CELESTE TRIGG, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

a. By letter dated December 22, 1999, the Board of Vocational Nurse Examiners received a referral from the Texas Peer Assistance Program for Nurses alleging that Respondent had become non-compliant with its program.

II.

a. Respondent was employed as a Licensed Vocational Nurse with I H S of Benbrook in Benbrook, Texas from about December 3, 1998 through about October 11, 1999.

b. While so employed with said facility, on or about October 8, 1999, Respondent diverted narcotic medication (SOMA) from Resident E.V. Respondent had complained of pain to another nurse on duty at about 2:00 p.m. and said nurse provided Respondent with the SOMA. Respondent acknowledged to her supervisor that she had ingested the medication. Narcotic logs indicate that one tablet of SOMA had been signed out at 2:00 p.m., however the medication administration records and the nurse's notes do not reflect that said medication had been administered to Resident E.V.

AUG 29 2000

AGREED BOARD ORDER  
RE: KEMBERLY CELESTE TRIGG, LVN #161284  
PAGE 2

c. Furthermore, Respondent was responsible for discrepancies in the administration and documentation of narcotics (SOMA) to Resident E.V. The narcotic log reflects that Respondent signed out for one tablet of SOMA at 0600, but she failed to document in Resident E.V.'s medication administration record or nurse's notes that said resident received the medication.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

**ORDER OF THE BOARD**

**NOW THEREFORE, IT IS ORDERED** that license number 161284, heretofore issued to KEMBERLY CELESTE TRIGG to practice vocational nursing in the State of Texas be, and the same is hereby suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code, Chapter 302 and Rules and Regulations of the Board.
3. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.

AGREED BOARD ORDER  
RE: KEMBERLY CELESTE TRIGG, LVN #161284  
PAGE 3

4. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Respondent shall work only under the supervision of a licensed medical professional (MD, RN, LVN) who is physically present on the work premises during Respondent's shift assignment(s), throughout the term of the probation.
7. That Respondent shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.
8. That Respondent shall not be the only licensed medical professional in the facility throughout the term of probation.
9. That Respondent shall not have access to mood altering medications in the workplace setting during the first six (6) months of probation in which Respondent is employed as a Licensed Vocational Nurse.
10. That Respondent shall attend weekly meetings of a Chemical Dependency Support Group (AA/NA), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
11. That Respondent shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's history, and it is incumbent upon Respondent to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.
12. That Respondent shall submit to monthly blood alcohol drug screen(s) upon demand of the Board staff for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall submit to random urine drug screen(s) upon demand of the Board staff throughout the term of probation. Respondent shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. That a report of a positive drug screen or unprescribed controlled substances shall be considered a violation of probation.

AGREED BOARD ORDER  
 RE: KEMBERLY CELESTE TRIGG, LVN #161284  
 PAGE 4

13. That Respondent shall provide the Board a telephone number by which Respondent may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Respondent must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. twelve (12). An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.

14. That Respondent shall pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, TX 78701". Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 21<sup>st</sup> day of August, 2000.

Kemberly C. Trigg  
 Signature of Respondent

3205 Helmick Ave  
 Current Address

Fort Worth, Tex 76107  
 City, State and Zip

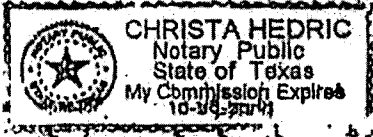
817, 569-8472  
 Area Code and Telephone Number

The State of Texas  
 County of Tarrant

Before me, the undersigned authority, on this day personally appeared KEMBERLY CELESTE TRIGG, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

AGREED BOARD ORDER  
RE: KEMBERLY CELESTE TRIGG, LVN #161284  
PAGE 5

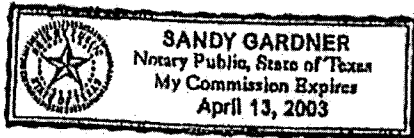
SWORN TO AND SUBSCRIBED before me on this the 21 day of August  
2000.



Christa Hedric  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 10-28-00

Mary M. Strange  
Mary M. Strange, RN  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 8th  
day of September, 2000.




Sandy Gardner  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

BOARD ORDER  
RE: KEMBERLY CELESTE TRIGG, LVN #161284  
PAGE: 6

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse  
Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order,  
notarized on the 21<sup>st</sup> day of August, 2000 by Respondent, license number 161284 and that  
Said Order is Final.

Effective this 11th day of September, 2000.

  
\_\_\_\_\_  
Mary M. Strange, BSN, RN, CNA  
Executive Director  
On Behalf of Said Board

**BOARD ORDER**  
RE: KEMBERLY CELESTE TRIGG, LVN #161284  
PAGE: 7

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of September, 2000, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

KEMBERLY CELESTE TRIGG  
6205 HELMICK AVE  
FT WORTH, TX 76107



Mary M. Strange, BSN, RN, CNA  
Executive Director  
Agent for the Board of Vocational Nurse Examiners



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 Vocational Nurse License Number 161284 § AGREED  
issued to KEMBERLY CELESTE TRIGG § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of KEMBERLY CELESTE TRIGG, Vocational Nurse License Number 161284, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 15, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received Certificate in Vocational Nursing from Sisters of Charity School of Nursing, Buffalo, New York, on June 1, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on January 29, 1997.
5. Respondent's vocational nursing employment history includes:

04/97 - 03/98	LVN	IHS of Benbrook
12/98 - 10/99		Benbrook, TX



Respondent's vocational nursing employment history (continued):

05/98 - 12/98	LVN	PNC Riveroaks Benbrook, TX
11/99 - 09/06	LVN	Westside Campus of Care Fort Worth, TX
10/06 - Present	Unknown	

6. On or about September 11, 2000, Respondent was issued the sanction of Suspend/Probate by the Board of Vocational Nurse Examiners for the State of Texas, Austin, Texas. A copy of the Agreed Board Order dated September 11, 2000, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Westside Campus of Care, Fort Worth, Texas, and had been in this position for approximately six (6) years and eight (8) months.
8. On or about July 30, 2006, through September 8, 2006, while employed as a Licensed Vocational Nurse at Westside Campus of Care, Fort Worth, Texas, Respondent withdrew narcotics for patients when not on duty. Respondent's conduct was likely to deceive the facility.
9. In response to Finding of Fact Number Eight (8), Respondent states that medication aides were taken off of her unit because of a low consensus on another unit. Respondent states that as the ADON, she would help out the other nurses by assisting with the medication administration, but do so off of the clock so that the DON would not get in trouble "with corporate" for an increase in the "PPD".
10. On or about July 30, 2006, through September 11, 2006, while employed as a Licensed Vocational Nurse at Westside Campus of Care, Fort Worth, Texas, Respondent withdrew narcotics for patients but failed to document or accurately document the administration of the narcotics in the patients' medical records. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
11. In response to Finding of Fact Number Ten (10), Respondent states that when her workload increased due to the medication aides no longer being on the unit, her work became chaotic.

12. On or about August 17, 2006, through September 11, 2006, while employed as a Licensed Vocational Nurse at Westside Campus of Care, Fort Worth, Texas, Respondent withdrew narcotics for patients but failed to follow the facility's policy and procedure for wastage of the unused portions of the narcotics. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
13. On or about July 30, 2006, through September 11, 2006, while employed as a Licensed Vocational Nurse at Westside Campus of Care, Fort Worth, Texas, Respondent would crush medications and would sometimes instruct other nurses to administer the medication. Additionally, the crushed medications appeared to be Tylenol and not Vicoden. Respondent's conduct was likely to deceive the facility and the patients.
14. In response to Finding of Fact Number Thirteen (13), Respondent admits to crushing medications for the G Tube patients, but states that she would never ask another nurse to administer it. Respondent states that it was a rumor that the crushed medication was Tylenol and not Vicoden and was spread with malicious intent.
15. On or about July 30, 2006, through September 11, 2006, while employed as a Licensed Vocational Nurse at Westside Campus of Care, Fort Worth, Texas, Respondent misappropriated, or failed to prevent the misappropriation of narcotics from Patient B.P., M.J., J.A., and E.W. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
16. In response to Finding of Fact Number Fifteen (15), Respondent states that the allegations that she misappropriated narcotics was another rumor. Respondent states that all drugs were given to the appropriate residents. Additionally, Respondent states that at her present place of employment she was required to have an on the spot drug screen. Respondent states that she tested negative for any narcotic substance.
17. On or about March 26, 2009, Respondent submitted to a psychological evaluation with Emily Fallis, Ph.D., Fort Worth, Texas. Dr. Fallis stated that Respondent demonstrated no evidence of psycho-pathology, including substance abuse and dependence, through interview and observation. Dr. Fallis stated that psychological testing was of little assistance given a pattern of defensiveness and unwillingness to acknowledge even minor flaws. Dr. Fallis was uncertain whether or not the defensive stance on testing was used to hide problems, particularly substance abuse problems; however, the majority of information available suggests she is not hiding substance abuse problems. Dr. Fallis states that she admittedly demonstrated poor judgment and breach of protocol with regard to wastage of medication. Dr. Fallis stated that Respondent is likely to avoid behaviors which the Board of Nursing has identified as constituting unprofessional conduct and found no evidence that she is likely to abuse substances either as part of her duties as a nurse or in other contexts.

On or about April 16, 2009, Respondent submitted to a polygraph examination with Stacy Shortes, Richardson, Texas. Mr. Shortes stated that Respondent was questioned about the misappropriation of narcotics, her personal use of narcotics, as well as administering narcotics without a valid prescription. The nationally standardized scoring procedures were utilized to evaluate the examination chart data and that the evaluation process resulted in a finding of 'Deception Indicated'. Mr. Shortes stated that Respondent did not make any admissions.

#### 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 of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(D)(iv), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(6)(G)&(H),(10)(B)&(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 161284, heretofore issued to KEMBERLY CELESTE TRIGG, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 161284, previously issued to KEMBERLY CELESTE TRIGG, to practice vocational nursing in Texas is hereby SUSPENDED for a period of one (1) year, with the suspension STAYED, and Respondent is hereby placed on PROBATION for a period of one (1) year with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL 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.

(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). RESPONDENT SHALL pay this fine within forty-five (45) days of the 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.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course

Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(4) RESPONDENT SHALL, within one (1) year of entry of the suspension being stayed, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This

course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(5) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(6) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete 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 program, RESPONDENT SHALL SUBMIT the

continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://www.learningext.com/products/generalce/critical/ctabout.asp>.*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:**

(7) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(8) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(9) RESPONDENT SHALL be supervised by a Registered Nurse or 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.

(10) 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 Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.



(11) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT 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 RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(12) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone

Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

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

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. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure 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 violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 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 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 revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18<sup>th</sup> day of June, 2009.

Kemberly C. Allen (Trigg)  
KEMBERLY CELESTE TRIGG, Respondent

Sworn to and subscribed before me this 18<sup>th</sup> day of June, 2009.

Shannon Marie Olivan

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED; the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18th day of June, 2009, by KEMBERLY CELESTE TRIGG, Vocational Nurse License Number 161284, and said Order is final.

Effective this 23rd day of July, 2009.

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