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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	
Number AP100630 with Prescription	§	
Authorization Number 1294	§	
& Registered Nurse License Number 521278	§	
issued to ELIZABETH ANN KELLER	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ELIZABETH ANN KELLER, Advanced Practice Registered Nurse License Number AP100630 with Prescription Authorization Number 1294, and Registered Nurse License Number 521278, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 5, 2019.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Psychiatric/Mental Health Nurse Practitioner is in current status with Prescription Authorization Number 1294 in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Family Nurse Practitioner is in current status with Prescription Authorization Number 1294 in current status.

4. Respondent received a Master's Degree in Nursing from the University of Missouri, Columbia, Missouri, on May 1, 1978. Respondent completed a Psychiatric/Mental Health Nurse Practitioner Program from University of Texas Health Science Center, San Antonio, Texas, on May 18, 2007. Respondent completed a Family Nurse Practitioner Program from University of Missouri, Columbia, Missouri, on August 1, 1983. Respondent was licensed to practice professional nursing in the State of Missouri on September 15, 1978, and was licensed to practice professional nursing in the State of Texas on March 8, 1985. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Psychiatric/mental Health Nurse Practitioner on August 13, 2007. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Psychiatric/Mental Health Nurse Practitioner with Prescription Authorization on August 13, 2007. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner with Prescription Authorization on May 12, 1986.

5. Respondent's nursing employment history includes:

1978 - 1979	Registered Nurse	University of Missouri Hospital Columbia, Missouri
1980	Unknown	
1981 - 1984	Registered Nurse	University of Missouri Hospital Columbia, Missouri
08/1983 – 11/2009	Family Nurse Practitioner	Alta Vista Health Care Unknown
3/1985 – 1986	Family Nurse Practitioner	St. Philip of Jesus Health Clinic and DePaul Family Center San Antonio, Texas
1996 - 2001	Family Nurse Practitioner	Gamboa Family Practice Associates San Antonio, Texas
05/2000 - Present	Owner/ Psychiatric/Mental Health Nurse Practitioner	Life Motivations San Antonio, Texas
10/2001 – 10/2003	Family Nurse Practitioner	St. Mary's University San Antonio, Texas
02/2010 – 12/2010	Alta Vista Health Care	NBHLifetime Health Unknown
12/2017 – Present	Psychiatric/Mental Health Nurse Practitioner	True Mental Health Services San Antonio, Texas

6. On or about June 2017 through August 2017, while employed as the Owner of Life Motivations, San Antonio, Texas, and practicing as a Psychiatric/Mental Health Nurse Practitioner, Respondent inappropriately prescribed Abilify to four (4) year old Pediatric Patient AG, increasing the dose to 15 mg in less than two (2) months, although the minimum age requirement is six (6) years old. Further, Respondent violated professional boundaries in that she provided treatment and medication to Patient CC, who she then allowed to work in her office, and continued to treat Patient CC and her child Patient AG.
7. On or about December 2016 through December 2017, while employed as the Owner of Life Motivations, San Antonio, Texas, and practicing as a Psychiatric/Mental Health Nurse Practitioner, Respondent prescribed Alprazolam 2mg, a scheduled IV controlled substance, to Patient CC continuously for 12 months and failed to collaborate with a delegating physician and/or failed to document collaboration with a delegating physician regarding the need for continued use of the medication.
8. In response to the incident in Finding of Fact Number Six (6), Respondent states that she appropriately assessed, diagnosed, and treated Pediatric Patient AG for his behavioral disorder. Respondent states that following a thorough evaluation, she prescribed Abilify 5mg for Pediatric Patient AG. Respondent explains that she saw Pediatric Patient AG again on July 5, 2017, and Patient CC was pleased with his dramatic improvement, but he had developed a tolerance to Abilify 5mg. Respondent agreed to increasing to 7.5mg after an assessment. Respondent states that she never prescribed 15mg of Abilify and to her knowledge Pediatric Patient AG was never taking that much. Respondent states that at this point, Pediatric Patient AG was on 7.5mg of Abilify, but she allowed Patient CC to "increase the daily dose to 10mg only for occasional breakthroughs producing acute severe episodes." Respondent states that she consulted with Dr. Johnson who agreed that Pediatric Patient AG should not be receiving a maintenance dose as high as 10mg of Abilify and suggested adding Depakote to assist. Respondent states that Pediatric Patient AG was never released back to her for care, therefore, she could not evaluate his condition and progression of his illness. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she began seeing Patient CC on February 2, 2015, Respondent states that around the start of September 2017, Patient CC wanted to work in her office as a thank you for caring for her for free. Respondent states that she agreed for Patient CC to assist her in the office on a part-time basis over the course of approximately four (4) weeks. Respondent states Patient CC was never an employee with Life Motivations, but she did answer phones and perform administrative tasks that Respondent personally paid her for as she did not feel it appropriate to receive her help for free.

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)(J),(1)(M)&(4) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B), (4),(6)(C)&(6)(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP100630 with Prescription Authorization Number 1294, and Registered Nurse License Number 521278, heretofore issued to ELIZABETH ANN KELLER.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS AND FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 and video programs will not be approved.
- B. **The course "Prescriptive Authority for APRNs", a 1.2 contact hour online program provided by the Board of Nursing, located at <https://www.bon.texas.gov/catalog/>.**
- C. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: 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. Home study courses and video programs will not be approved.

- D. **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 the effective date 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. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, **for a minimum of forty-eight (48) hours per month** for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as an advanced practice registered nurse have elapsed. Periods of unemployment or of employment that do not require the use of an advanced practice registered nurse (APRN) license will not apply to this period **and will not count towards completion of this requirement.** Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

- A. **Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "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, practice site and/or credentialing agency in nursing to submit the Board's "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.
- C. **Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as RESPONDENT who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least once a month, for at least one (1) hour duration at each monthly meeting. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.
- D. **Nursing Performance Reports:** RESPONDENT SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who

supervises/monitors the RESPONDENT and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, 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 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 is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 05 day of NOV, 2019.
Elizabeth Ann Keller
ELIZABETH ANN KELLER, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of November, 2019, by ELIZABETH ANN KELLER, Advanced Practice Registered Nurse License Number AP100630, and Registered Nurse License Number 521278, and said Agreed Order is final.

Effective this 10th day of December, 2019.



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