

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 530520	§	
issued to KATHLEEN A GORDON	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KATHLEEN A GORDON, Registered Nurse License Number 530520, 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)(9),(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 October 28, 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.
4. Respondent received a Diploma in Nursing from Tarrant Co Junior College, Fort Worth, Texas, on December 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1986.
5. Respondent's nursing employment history includes:

3/1986 – 4/2015	RN	Cook Children's Medical Center Fort Worth, TX
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Respondent's nursing employment history continued:

5/2015 – 7/2015	Unknown	
8/2015 – 2/2016	RN	Plaza Medical Fort Worth, TX
3/2016 – 7/2016	Unknown	
8/2016 – 6/2018	RN	Vitas Healthcare Fort Worth, TX

6. At the time of the initial incident, Respondent was employed as a registered nurse with Vitas Healthcare, Fort Worth, Texas, and had been in that position for one (1) year and ten (10) months.
7. On or about June 7, 2018, while employed with Vitas Healthcare, Fort Worth, Texas, Respondent failed to complete a medication destruction log and placed an empty medication bag into the locked medication waste container. Respondent's conduct left medications unaccounted for, was likely to deceive the pharmacy and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code.
8. On or about June 9, 2018, while employed with Vitas Healthcare, Fort Worth, Texas, Respondent engaged in the intemperate use of Lorazepam, in that she produced a specimen for a reasonable cause drug screen that resulted positive for Lorazepam. Possession of Lorazepam, without a valid prescription, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Lorazepam by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about April 15, 2019, Respondent engaged in the intemperate use of alcohol in that she produced a specimen for a random drug screen that resulted positive for ethyl glucuronide (ETG) and ethyl sulfate (EtS). Additionally, Respondent admitted to drinking. The use of alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. In response to Finding of Fact Number Seven (7), Respondent states she did in fact complete a destruction log and noted that a coworker had recorded a waste on it. The witnessed remaining volume was placed in two Ziploc bags and the bags were then stapled closed for extra protection to ensure that the fluid remaining was secure. The bag was then placed into the unit locked waste container. The box was overfilled and difficult to push the sealed bag into the box. Respondent states she had to push very hard to get it in securely and not flip back out. She states it could be quite possible that if more wasted drugs were put in the container that it could have caught the lip and come back out. Regarding Finding of Fact Number Eight (8), Respondent states she has a male friend with Parkinson's disease who takes medication for spasticity, as well as Ativan. One evening he prepared a meal and a pitcher of cocktails. Respondent recalls feeling very tired when she had just taken a nap. He left the remainder of the meal and cocktail mixture in the refrigerator, which Respondent eventually drank alone on a different evening, still unaware that it was mixed with Ativan. She was shocked to find out that the urine was positive for Ativan. Respondent would never intentionally jeopardize her position on the hospice unit or any other unit. In reference to Finding of Fact Number Nine (9), Respondent admits she had a cocktail in the privacy of her own home.

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) and 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(E),(4),(5),(10)(A),(10)(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 530520, heretofore issued to KATHLEEN A GORDON.
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.

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TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** and RESPONDENT'S license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

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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. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

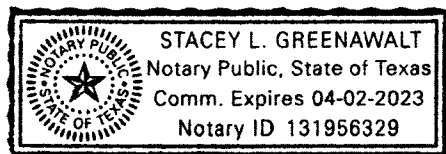
Signed this 28 day of February, 2020.

Kathleen A. Gordon
KATHLEEN A GORDON, RESPONDENT

Sworn to and subscribed before me this 28th day of February, 2020.

SEAL

Stacey L. Greenawalt
Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of February, 2020, by KATHLEEN A GORDON, Registered Nurse License Number 530520, and said Agreed Order is final.

Effective this 23rd day of April, 2020.

A handwritten signature in black ink, reading "Katherine A. Thomas". The signature is written in a cursive style with a horizontal line extending from the end.

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