

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Vocational Nurse License Number 165558 §
issued to KIMBERLY DAWN PURCELL §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY DAWN PURCELL, Vocational Nurse License Number 165558, 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 May 4, 2020.

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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Vernon College at Wichita Falls, Wichita Falls, Texas, on August 14, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on October 24, 1997.
5. Respondent's nursing employment history includes:

10/1997 - 1998	Charge Nurse	Integrated Health Services Wichita Falls, Texas
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Respondent's nursing employment history continued:

1998 – 2002	Charge Nurse	Fairfax Nursing Center Fairfax, Virginia
1999 – 2002	Triage Nurse	Internal Medicine Associate Fairfax, Virginia
5/2002 – 10/2003	Urgent Care Nurse	Clinics of North Texas Wichita Falls, Texas
10/2003 – 9/2004	Med/Surg Nurse	Palo Pinto General Hospital Mineral Wells, Texas
9/2004 – 4/2005	Med/Surg Nurse	Huguley Memorial Medical Center Huguley, Texas
4/2005 – 5/2010	Agency Nurse	NurseFinders Fort Worth, Texas
9/2007 – 3/2010	Med/Surg Nurse	Lifecare Hospital of Fort Worth Fort Worth, Texas
6/2010 – 1/2011	Charge Nurse	Ridgeview Rehabilitation and Skilled Nursing Cleburne, Texas
2/2011 – 9/2011	Unknown	
10/2011 – 3/2012	Med Nurse	Alvarado Meadows Nursing Home Alvarado, Texas
4/2012 – 8/2018	Not employed in nursing	
9/2018 – 4/2020	LVN	The Texas Center for Infectious Disease San Antonio, Texas
5/2020 – Present	Unknown	

6. On or about September 12, 2012, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the September 12, 2012, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about April 19, 2013, the Board accepted the Voluntary Surrender of Respondent's license to practice nursing in the State of Texas through an Order of the Board. A copy of the April 19, 2013, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about September 12, 2017, Respondent's license to practice nursing in the State of Texas was Reinstated through an Order of the Board. A copy of the September 12, 2017, Order is attached and incorporated herein by reference as part of this Agreed Order.
9. On or about December 10, 2019, Respondent's license to practice nursing in the State of Texas was Suspended with the Suspension stayed and Respondent was placed on probation through an Order of the Board. A copy of the December 10, 2019, Order is attached and incorporated herein by reference as part of this Agreed Order.
10. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with The Texas Center for Infectious Disease, San Antonio, Texas, and had been in that position for one (1) year and five (5) months.
11. On or about February 25, 2020, through March 26, 2020, while employed as a Licensed Vocational Nurse with The Texas Center for Infectious Disease, San Antonio, Texas, Respondent misappropriated ninety-one (91) Robaxin, Naprosyn, Tylenol and Zofran tablets belonging to the facility and patients thereof. Furthermore, Respondent cancelled ninety-one (91) returns for the medications in the medication system and admitted to misappropriating the medications to help control her pain. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
12. In response to Finding of Fact Number Eleven (11), Respondent states she removed the medications sporadically, and at different times, for personal use. Respondent relates she had prescriptions for the medications she took and that her sciatic nerve pain became unbearable since the end of February 2020.
13. Respondent by her signature expresses her desire to voluntarily surrender the licenses.

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) 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B), (4), (6)(G), (8), (10)(E) & (11)(B). The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 165558, heretofore issued to KIMBERLY DAWN PURCELL.
4. 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

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 165558 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. At least one (1) year has elapsed from the date of this Order; and
 - B. RESPONDENT has objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact 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 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 becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

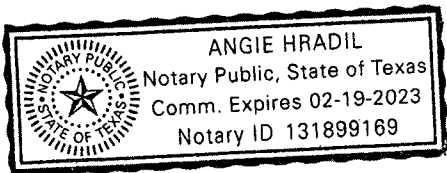
Signed this 14 day of July, 2020

Kimberly Dawn Purcell
KIMBERLY DAWN PURCELL, RESPONDENT

Sworn to and subscribed before me this 14 day of July, 2020

SEAL

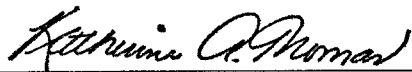
Notary Public in and for the State of Texas



RECEIVED 10/14/20

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of July, 2020, by KIMBERLY DAWN PURCELL, Vocational Nurse License Number 165558, and said Agreed Order is final.

Effective this 16th day of July, 2020.



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



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 165558
issued to KIMBERLY DAWN PURCELL

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY DAWN PURCELL, Vocational Nurse License Number 165558, 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)(1)&(10), 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 August 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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Vernon College at Wichita Falls, Wichita Falls, Texas, on August 14, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on October 24, 1997.
5. Respondent's nursing employment history includes:

1997 – 1998	Charge Nurse	Integrated Health Services Wichita Falls, Texas
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Respondent's nursing employment history continued:

1997 – 2002	Charge Nurse	Fairfax Nursing Center Fairfax, Virginia
1999 – 2002	Triage Nurse	Internal Medicine Associate Fairfax, Virginia
05/2002 – 10/2003	Urgent Care Nurse	Clinics of North Texas Wichita Falls, Texas
10/2003 – 09/2004	Med/Surg Nurse	Palo Pinto General Hospital Mineral Wells, Texas
09/2004 – 04/2005	Med/Surg Nurse	Huguley Memorial Medical Ctr Huguley, Texas
04/2005 – 05/2010	Agency Nurse	NurseFinders Fort Worth, Texas
09/2007 – 03/2010	Med/Surg Nurse	Lifecare Hospital of Fort Worth Fort Worth, Texas
06/2010 – 01/2011	Charge Nurse	Ridgeview Rehabilitation and Skilled Nursing Cleburne, Texas
01/2011 – 10/2011	Unknown	
10/2011 – 03/2012	Med Nurse	Alvarado Meadows Nursing Home Alvarado, Texas
03/2012 –	Not employed in Nursing	
09/2018 – Present	LVN	Texas Center for Infectious Diseases San Antonio, Texas

6. On or about September 12, 2012, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the September 12, 2012, Order is attached and incorporated herein by reference as part of this Agreed Order.

7. On or about April 19, 2013, the Board accepted the Voluntary Surrender of Respondent's license to practice nursing in the State of Texas through an Order of the Board. A copy of the April 19, 2013, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about September 12, 2017, Respondent's license to practice nursing in the State of Texas was Reinstated through an Order of the Board. A copy of the September 12, 2017, Order is attached and incorporated herein by reference as part of this Agreed Order.
9. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Texas Center for Infectious Diseases, and had been in that position for two (2) months.
10. On or about November 11, 2018 through July 8, 2019, while employed with Texas Center for Infectious Diseases, San Antonio, Texas, Petitioner failed to comply with the Reinstatement Agreed Order issued to her on September 12, 2017, by the Texas Board of Nursing. Noncompliance is the result of Petitioner's failure to comply with Stipulation Number Seven (VII), Subsection (B), of the order which reads, in pertinent part:

While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, tramadol, and controlled substances...

...All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug testing...

On or about November 11, 2018 through July 8, 2019, Petitioner missed twenty (20) check-ins.

11. In response to Findings of Fact Number Ten (10), Respondent states her missed check-ins were purely a mistake and forgetfulness.

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 §217.12(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 165558, heretofore issued to KIMBERLY DAWN PURCELL.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 165558, previously issued to KIMBERLY DAWN PURCELL, to practice nursing in the State of Texas is hereby **SUSPENDED** and said suspension is **STAYED** and **RESPONDENT** is hereby placed on **PROBATION**.

- 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. COMPLIANCE WITH PRIOR ORDER

The Order of the Board issued to RESPONDENT on September 12, 2017, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

IV. 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.

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. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against RESPONDENT'S license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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) and/or privilege(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.

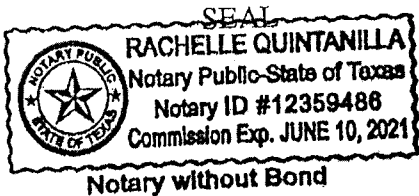
Signed this 30 day of October, 2019.

Kimberly Purcell
KIMBERLY DAWN PURCELL, RESPONDENT

Sworn to and subscribed before me this 30 day of October, 2019.

Rachelle Quintanilla

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 30th day of October, 2019, by KIMBERLY DAWN PURCELL, Vocational Nurse License Number 165558, 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



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 165558
issued to KIMBERLY DAWN PURCELL

§ REINSTATEMENT
§
§ AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement of Vocational Nurse License Number 165558, held by KIMBERLY DAWN PURCELL, hereinafter referred to as Petitioner. Petitioner waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 12, 2017.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Vernon Regional Junior College, Wichita Falls, Texas, on August 14, 1997. Petitioner was licensed to practice vocational nursing in the State of Texas on October 24, 1997.
4. Petitioner's nursing employment history includes:

1997 - 1998	Charge Nurse	Integrated Health Services Wichita Falls, Texas
1997 - 2002	Charge Nurse	Fairfax Nursing Center Fairfax, Virginia
1999 - 2002	Triage Nurse	Internal Medicine Associate Fairfax, Virginia

Petitioner's nursing employment history continued:

05/02 - 10/03	Urgent Care Nurse	Clinics of North Texas Wichita Falls, Texas
10/3 - 09/04	Med/Surg Nurse	Palo Pinto General Hospital Mineral Wells, Texas
09/04-04/05	Med/Surg Nurse	Huguley Memorial Medical Center Huguley, Texas
04/05-05/10	Agency Nurse	NurseFinders Fort Worth, Texas
09/07-03/10	Med/Surg Nurse	Lifecare Hospitals of Fort Worth Fort Worth, Texas
06/10-01/11	Charge Nurse	Ridgeview Rehabilitation and Skilled Nursing Cleburne, Texas
1/11 - 10/11	Unknown	
10/11 - 3/12	Med Nurse	Alvarado Meadows Nursing Home Alvarado, Texas
03/12 - present	Not employed in Nursing	

5. On September 12, 2012, Petitioner was issued an Order by the Board which required her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Agreed Order, including the Findings of Fact, Conclusions of Law, and Order dated September 12, 2012, is attached and incorporated, by reference, as part of this Order.
6. On or about April 19, 2013, Petitioner voluntarily surrendered her license to practice nursing through an Order of the Board. A copy of the Findings of Fact, Conclusions of Law, and Order dated April 19, 2013, is attached and incorporated, by reference, as part of this Order.
7. On or about April 18, 2017, Petitioner submitted a Petition for Reinstatement of License to practice vocational nursing in the State of Texas.
8. Petitioner presented the following in support of said petition:

- 8.1. Letter of support, dated August 23, 2016, from Norma Perez Martinez, MSN, RN-BC, DNP Candidate, San Antonio State Hospital, states she is Petitioner's first line supervisor at San Antonio State Hospital. Petitioner has shown an enormous amount of patience when working with our psychiatric population. Petitioner has utilized her verbal skills on several occasions in order to de-escalate aggressive and psychotic patients. Petitioner has not exhibited any abnormal or suspicious behaviors since being employed at the State Hospital.
- 8.2. Letter of support, dated August 27, 2016, from Taeil Jun, BSN, RN, San Antonio State Hospital, states she currently works with Petitioner in the same unit. Petitioner is never late to work, and usually works very hard. She listens to patients and helps them within supervision. She has very good communication skills and has not exhibited any abnormal or suspicious behaviors since being employed at the State Hospital.
- 8.3. Letter of support, dated August 30, 2016, from Mary E. Villar, MSN, BSN, RN, San Antonio State Hospital, states she currently works with Petitioner in the same unit that is challenging, stressful and at times very demanding. Petitioner uses her skills in communication, to defuse patients during aggressive episodes and displays a calm demeanor, all while showing patience and empathy towards the clients we serve. She is an energetic team player, who performs her job tasks efficiently and always displays a professional attitude towards those around her.
- 8.4. Letter of support, dated August 31, 2016, from Emma Kinnard, PNA IV Supervisor, San Antonio State Hospital, states she is Petitioner's supervisor for the past eight (8) months. During this time she has demonstrated a good work ethic. She successfully completes all work assignments on time and ensures that the unit is running smoothly. Petitioner communicates effectively with all disciplines in the hospital and works closely with RN monitoring medication line. She has inspired confidence, respect and cooperation from the staff she supervises.
- 8.5. Letter of support, dated April 3, 2017, from Vanessa Martinez, LVN II, San Antonio State Hospital, states during Petitioner's employment she has never doubted her sobriety. Petitioner is a great individual to work with and even better mentor for our patients. Petitioner has great rapport with the psychiatric patients and always has a great attitude.
- 8.6. Petitioner provides a sobriety date of September 15, 2014.
- 8.7. Documentation of regular support group attendance for the dates October 2014 through April 2017.
- 8.8. Documentation of negative drug screens for the dates October 7, 2014, through May 9, 2017.

- 8.9. Documentation of having met all requirements and being discharged from Health Net Medical Clinic Behavioral Health Services on March 3, 2015.
- 8.10. Documentation of the required continuing education contact hours.
9. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Tex. Admin. Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character and relicensure.
10. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
11. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.
3. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Tex. Admin. Code §213.27, and pursuant to 22 Tex. Admin. Code §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

TERMS OF ORDER

I. REINSTATEMENT OF LICENSURE

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of KIMBERLY DAWN PURCELL for reinstatement of license

to practice nursing in the state of Texas be GRANTED and Vocational Nurse License Number 165558 is hereby REINSTATED in accordance with the terms of this Order.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, PETITIONER agrees to obtain, read, and 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.

- A. This Order SHALL be applicable to PETITIONER's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- B. PETITIONER may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where PETITIONER wishes to work.

III. REQUIREMENTS FOR VOCATIONAL NURSING REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN VOCATIONAL NURSING

Prior to practicing as a vocational nurse in the State of Texas, PETITIONER SHALL:

- A. Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Vocational Nursing for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in vocational nursing. The application for the Six Month Temporary Permit is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Six Month Permits / LVN Six Month Limited Permit. PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in vocational nursing.
- B. Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for vocational nursing. Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment.
In order for the course to be approved:
 - (1) The target audience shall include vocational nurses;

- (2) The course instructor must be a qualified registered nurse who meets or exceeds the Board's minimum criteria for eligibility as an instructor;
- (3) The course's content shall, at a minimum, include:
 - (a) Review of NPA, Rules, Position Statements;
 - (b) Determination of Individual Scope of Practice and role in patient safety;
 - (c) Review of the clinical problem solving process for the provision of individualized, goal directed nursing care to include: (i) Collecting data & performing focused nursing assessments; (ii) Participating in the planning of nursing care needs for clients; (iii) Participating in the development & modification of the comprehensive nursing care plan for assigned clients; (iv) Implementing appropriate aspects of care within the LVN's scope of practice; and (v) Assisting in the evaluation of the client's responses to nursing interventions and the identification of client needs;
 - (d) Pharmacology review;
 - (e) Medication administration;
 - (f) Documentation, quality assurance, and legal implication for nursing practice; and
 - (g) Documentation of current CPR certification prior to beginning precepted clinical learning experience; and
- (4) The course must contain no less than a total of 80 hours of clinical practice providing direct patient care precepted by a qualified registered or vocational nurse. Home study courses and video programs will not be approved.

C. Upon completion of the refresher course, extensive orientation, or nursing program of study for vocational nursing, PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of precepted clinical practice.

D. Upon verification of successful completion of the conditions as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Vocational Nurses, which is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Renewals / LVN - Reactivation form for a Licensed Vocational Nurse. PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice vocational nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, Petitioner SHALL successfully complete the following remedial education course(s) within one (1) year of relicensure, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.
- B. The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), Petitioner 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. Petitioner 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. MONITORING FEE

PETITIONER SHALL pay a monitoring fee in the amount of three hundred fifty dollars (\$350.00) within forty-five (45) days of relicensure. 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, PETITIONER must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) 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 a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned.
- E. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

- F. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- G. **Indirect Supervision:** For the remainder of the stipulation/probation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- H. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER and these reports shall be submitted by the supervising individual 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. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, PETITIONER SHALL abstain from the use of alcohol, nalbuphine, propofol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER 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 PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, PETITIONER SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when PETITIONER obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period PETITIONER works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the PETITIONER is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. 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. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital
Butabarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone
Oxymorphone	Propoxyphene	Cannabinoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Tramadol
Meperidine	Carisoprodol	Butorphanol
Nalbuphine	Ketamine	Propofol

Upon enrollment in the Board's drug and alcohol testing program, PETITIONER SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine

whether or not PETITIONER has been selected to produce a specimen for screening that day and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, a Board representative may appear at the PETITIONER'S place of employment at any time during the probation period and require PETITIONER to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which PETITIONER does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject PETITIONER to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. While under the terms of this Order, RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VIII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

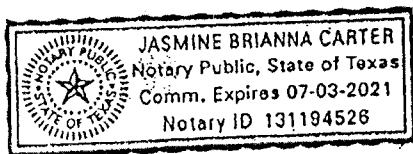
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 11th day of August, 2017.

Kimberly Dawn Purcell
KIMBERLY DAWN PURCELL, Petitioner

Sworn to and subscribed before me this 11th day of August, 2017.

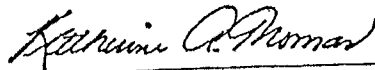
SEAL



Jasmine Brianna Carter
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 11th day of August, 2017, by KIMBERLY DAWN PURCELL, Vocational Nurse License Number 165558, and said Order is final.

Effective this 12th day of September, 2017.



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



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 Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Vocational Nurse License Number 165558 §
issued to KIMBERLY DAWN PURCELL §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 165558, issued to KIMBERLY DAWN PURCELL, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Vernon Regional Junior College, Wichita Falls, Texas, on August 14, 1997. Respondent was licensed to practice professional nursing in the State of Texas on October 24, 1997.
4. Respondent's complete vocational nursing employment history includes:

10/1997-08/04	Unknown	
09/04-04/05	LVN	Huguley Memorial Medical Center Huguley, Texas
04/05-09/07	LVN	NurseFinders Fort Worth, Texas

Respondent's complete vocational nursing employment history continued:

09/07-03/10	LVN	Lifecare Hospitals of Fort Worth Fort Worth, Texas
03/10-05/10	LVN	NurseFinders Fort Worth, Texas
06/10-01/11	LVN	Ridgeview Rehabilitation and Skilled Nursing Cleburne, Texas
02/11-Present	Unknown	

5. On September 12, 2012, Respondent was issued an Order by the Texas Board of Nursing that required Respondent to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the September 12, 2012, Agreed Order, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.
6. On or about February 7, 2013, Respondent became non compliant with the Agreed Order issued to her by the Texas Board of Nursing on September 12, 2012. Non compliance is the result of Respondent submitting a specimen for a drug screen that resulted positive for alcohol metabolites (ETG 14,700 ng/mL and ETS 3440 ng/mL). Stipulation Number Three (3) of the Agreed Order dated September 12, 2012, states in pertinent part:
 - (3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.Respondent was dismissed from TPAPN on February 25, 2013 for non-compliance and referred back to the Board.
7. Formal Charges were filed on April 5, 2013.
8. Formal Charges were mailed to Respondent on April 5, 2013.
9. On April 19, 2013, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated April 19, 2013, is attached and incorporated herein by reference as part of this Order.
10. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement

after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

11. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 §217.12(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 165558, heretofore issued to KIMBERLY DAWN PURCELL, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 165558, heretofore issued to KIMBERLY DAWN PURCELL, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 19 day of April, 2013.

TEXAS BOARD OF NURSING

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

April 16, 2013

To Whom it may concern,

I, Kimberly Purcell am aware of the investigation that is occurring on my case. I am requesting to voluntarily surrender my LVN license, #165558. I look forward to begin practicing nursing again after a year of sobriety and working on my recovery.

Thank You,

Kimberly Purcell
165558

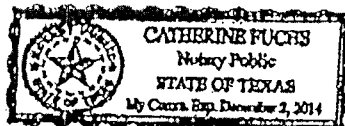
Kimberly Purcell

#165558

STATE OF TEXAS

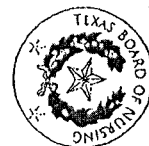
COUNTY OF JOHNSON

This instrument was acknowledged before me on this the 16th of April, 2013, by Kimberly Purcell.



Catherine Fuchs
NOTARY PUBLIC, STATE OF TEXAS

Catherine Fuchs
Notary's Printed Name
My Commission Expires: 12-02-2014



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 office of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 165558 §
issued to KIMBERLY DAWN PURCELL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY DAWN PURCELL, Vocational Nurse License Number 165558, 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),(12)&(13) and 301.453, Texas Occupations Code. Respondent informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 11, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director.

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 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 a Certificate in Vocational Nursing from Vernon Regional Junior College, Wichita Falls, Texas, on August 14, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on October 24, 1997.
5. Respondent's complete vocational nursing employment history includes:

10/1997-08/04	Unknown	
09/04-04/05	LVN	Huguley Memorial Medical Center Huguley, Texas

Respondent's complete vocational nursing employment history continued:

04/05-09/07	LVN	NurseFinders Fort Worth, Texas
09/07-03/10	LVN	Lifecare Hospitals of Fort Worth Fort Worth, Texas
03/10-05/10	LVN	NurseFinders Fort Worth, Texas
06/10-01/11	LVN	Ridgeview Rehabilitation and Skilled Nursing Cleburne, Texas
02/11-Present	Unknown	

6. At the time of the incident as stated in Finding of Facts Numbers Seven (7), through Nine (9), Respondent was employed as a Licensed Vocational Nurse with Ridgeview Rehabilitation and Skilled Nursing, Cleburne, Texas, and had been in this position for approximately seven (7) months.
7. On or about January 18, 2011, while employed as a Licensed Vocational Nurse with Ridgeview Rehabilitation and Skilled Nursing, Cleburne, Texas, Respondent misappropriated Flexeril, Tramadol, and Hydrocodone, belonging to the facility or patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications. Unlawful possession of Hydrocodone is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
8. On or about January 18, 2011, while employed as a Licensed Vocational Nurse with Ridgeview Rehabilitation and Skilled Nursing, Cleburne, Texas, Respondent lacked fitness to practice nursing in that she exhibited signs of impaired behavior while on duty including: incoherent and slurred speech, inability to stay awake, inability to stand on her own, and a lethargic demeanor. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
9. On or about January 18, 2011, while employed as a Licensed Vocational Nurse with Ridgeview Rehabilitation and Skilled Nursing, Cleburne, Texas, Respondent engaged in the intemperate use of Hydrocodone in that she admitted to a Cleburne Police Officer after being arrested at the facility that she had ingested at least three (3) Hydrocodone pills prior to her arrest. Unlawful possession of Hydrocodone is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Hydrocodone by a Licensed

Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patients 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. On or about August 9, 2011, Respondent entered a plea of "Guilty" to POSSESSION OF CONTROLLED SUBSTANCE PG 3<28G (Class A Misdemeanor offense committed on January 18, 2011) in the County Court of Law No. 2, Johnson County, Texas, under Cause No. M201100341. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on Deferred Adjudication for a period of two (2) years and ordered to pay a fine and court costs.
11. In response to Finding of Fact Numbers Seven (7) through Ten (10), Respondent states she has a long history of a pinched sciatic nerve where the pain was intense and her doctor prescribed her Hydrocodone. Respondent states she became addicted to the hydrocodone and her addiction is what caused her to misappropriate the medications from Ridgeview Rehabilitation and Skilled Nursing on or around January 18, 2011. Respondent states on February 27, 2011, she had surgery to correct the pinched sciatic nerve, and on June 17, 2011, she was admitted for a thirty (30) days rehabilitation program at Touchstone Ranch Recovery Center, Hico, Texas, and was satisfactorily discharged on July 18, 2011. Respondent states she has been clean since that time and she attended Narcotics Anonymous meetings through November 2011. Respondent states she knows what she did was wrong and takes full responsibility for her actions.
12. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
14. Charges were filed on February 13, 2012.
15. Charges were mailed to Respondent on February 21, 2012.
16. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
17. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(B)&(1)(T), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5), (6)(G),(8),(10)(A),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10),(12)&(13) Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 165558, heretofore issued to KIMBERLY DAWN PURCELL, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

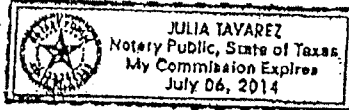
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of September, 2012.

Kimberly Dawn Purcell
 KIMBERLY DAWN PURCELL, RESPONDENT

Sworn to and subscribed before me this 10 day of September, 2012.

SEAL



Julia Tavaréz
 Notary Public in and for the State of TEXAS

Approved as to form and substance.

[Signature]
 Michael Rogers, Attorney for Respondent

Signed this 10 day of September, 2012.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 10th day of September, 2012, by KIMBERLY DAWN PURCELL, Vocational Nurse License Number 165558, and said Order is final.



Entered and effective this 12th day of September, 2012.

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