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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 715431 §
issued to KORI MICHELLE CLEMENS §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KORI MICHELLE CLEMENS, Registered Nurse License Number 715431, 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),(12)&(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 March 4, 2021.

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 delinquent status.
4. Respondent received a Diploma in Nursing from Covenant School of Nursing, Lubbock, Texas, on November 19, 2004. Respondent was licensed to practice professional nursing in the State of Texas on May 17, 2005.
5. Respondent's nursing employment history includes:

5/2005 – 1/2007	Registered Nurse	Covenant Medical Center Lubbock, Texas
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Respondent's nursing employment history continued:

2/2007 – 5/2008	Registered Nurse	Hendrick Abilene, Texas
6/2008 – Unknown	Registered Nurse	Rolling Plains Memorial Hospital Sweetwater, Texas
5/2009 – 6/2019	Registered Nurse	Encompass Health Sweetwater, Texas
6/2019 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Encompass Health, Sweetwater, Texas, and had been in that position for ten (10) years.
7. On or about June 2, 2019, while employed as a Registered Nurse with Encompass Health, Sweetwater, Texas, Respondent failed to secure medications belonging to Patient SWT000015279601 in that the medications were found in her car and the patient reported giving her the medications for disposal several months before. Respondent's conduct left medications unaccounted for.
8. On or about June 2, 2019, while employed as a Registered Nurse with Encompass Health, Sweetwater, Texas, Respondent misappropriated medications belonging to Patient SWT00011627801 in that the medications were found in her car and the patient reported they had not given any medication to her. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
9. On or about June 2, 2019, while employed as a Registered Nurse with Encompass Health, Sweetwater, Texas, Respondent misappropriated Fentanyl belonging to Patient SWT00004267101 in that the medication was found in her car and she admitted to the patient's wife she had taken the medication. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
10. On or about June 2, 2019, while employed as a Registered Nurse with Encompass Health, Sweetwater, Texas, Respondent engaged in the intemperate and unlawful use of amphetamines and opiates in that she produced a specimen for a drug screen that resulted positive for opiates and amphetamines. Unlawful possession of amphetamines and opiates is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of amphetamines and opiates by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a 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 a patient in potential danger.

11. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states she was given expired medications or medications that patients no longer took and placed them in a red sharps disposable box. Respondent admits she did not dispose of them by taking them to the pharmacy in a timely manner. In response to Findings of Fact Number Nine (9), Respondent states she hurt her back and tried to stay home, but was told there was no one to cover for her. Respondent states she made a poor decision and used an old Fentanyl patch from a patient, which turned into a dependence. Respondent states she continued to use old patches taken from patients. Respondent states she went through rehabilitation and has been sober for one (1) year as of June 2020.
12. Formal Charges were filed on March 20, 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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(5),(6)(G),(8),(10)(A),(10)(C),(10)(D),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 715431, heretofore issued to KORI MICHELLE CLEMENS.
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

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 715431 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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.

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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 notice and understand the consequences of my signature on this Order, I agree to the terms 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 enforceable upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and any other actions taken by me. I understand that I shall 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 my right to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of March, 2021
Kori Michelle Clemens
KORI MICHELLE CLEMENS, RESPONDENT

Sworn to and subscribed before me this 16 day of March, 2021



Kelly G. Shelton
Notary Public in and for the State of Texas

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 16th day of March, 2021, by KORI MICHELLE CLEMENS, Registered Nurse License Number 715431, and said Agreed Order is final.

Effective this 23rd day of March, 2021.



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