



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.
Michelle R. Plummer
Executive Director of the Board

In the Matter of § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 707739 §
Issued to ANDREA ROSE KEARNS, §
Respondent § **BOARD OF NURSING**

ORDER OF TEMPORARY SUSPENSION

TO: Andrea Kearns
2 Oxford Place
Trophy Club, TX 76262

A public meeting of the Texas Board of Nursing was held on November 17, 2021 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 707739, issued to ANDREA ROSE KEARNS was considered pursuant to Section 301.455, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing presented evidence and information concerning the conduct of ANDREA ROSE KEARNS and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

CHARGE I.

On or about March 22, 2021, while employed as a Registered Nurse (RN) at Discovery Village Southlake, Southlake, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to notify her employer in nursing and present a copy of the Agreed Order prior to accepting employment. Stipulation VI, Part A of the Agreed Order dated December 11, 2018 states:

“Notifying Present and Future Employers: RESPONDENT 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, RESPONDENT 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.”

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

CHARGE II.

On or about March 24, 2021 to April 9, 2021, while employed as a Registered Nurse (RN) at Discovery Village Southlake, Southlake, Texas, Respondent misappropriated Lorazepam, Morphine, and Alprazolam prescribed to Patients JW, FH, and BO. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE III.

On or about March 26, 2021 to April 9, 2021, while employed as a Registered Nurse (RN) at Discovery Village Southlake, Southlake, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to be supervised as required by the Order by a Registered Nurse for the duration of her shifts. Stipulation VI, Part F of the Agreed Order dated December 11, 2018 states:

“Direct Supervision: For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT 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.”

Respondent worked a night shift from 2:00 pm to 10:00 pm on the following dates: March 26, 2021, March 29, 2021, March 30, 2021, March 31, 2021, April 1, 2021, April 5, 2021, April 6, 2021, April 7, 2021, April 8, 2021, April 9, 2021. The Director of Nursing, Alissa Whitworth, RN, was only present until 8:00 pm on average. For the remainder of these shifts, Respondent was unsupervised.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

CHARGE IV.

On or about March 27, 2021, while employed as a Registered Nurse (RN) at Discovery Village Southlake, Southlake, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to cause her employer to submit a Notification of Employment form to the

Texas Board of Nursing. Stipulation VI, Part B of the Agreed Order dated December 11, 2018 states:

“Notification of Employment Forms: RESPONDENT 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. RESPONDENT 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.”

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

CHARGE V.

On or about March 29, 2021 to April 9, 2021, while employed as a Registered Nurse (RN) at Discovery Village Southlake, Southlake, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent administering Lorazepam, a controlled substance, to Patient BO on several occasions in violation of the Order. Stipulation VI, Part E of the Agreed Order dated December 11, 2018 states:

“No Administration of Controlled Medications: For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.”

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

CHARGE VI.

On or about June 15, 2021 to June 18, 2021, while employed as a Registered Nurse (RN) with Cosmetic Companions, Irving, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to be directly supervised as required by the Order by a Registered Nurse for the duration of her shifts. Stipulation VI, Part F of the Agreed Order dated December 11, 2018 states:

“Direct Supervision: For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT 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.”

Respondent accepted two assignments as a home health nurse, as shown by Cosmetic Companions scheduling records, during which she was unsupervised. Respondent then scheduled two visits with the patient without the knowledge or supervision of anyone from Cosmetic Companions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

CHARGE VII.

On or about June 15, 2021 to June 18, 2021, while employed as a Registered Nurse (RN) with Cosmetic Companions, Irving, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent administering Hydrocodone and Diazepam, controlled substances, to Patient KO on multiple occasions in violation of the Order. Stipulation VI, Part E of the Agreed Order dated December 11, 2018 states:

"No Administration of Controlled Medications: For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates."

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

CHARGE VIII.

On or about June 15, 2021 to June 18, 2021, while employed as a Registered Nurse (RN) with Cosmetic Companions, Irving, Texas, Respondent contacted Dr. Anita Chow and Dr. Danielle Blanc on behalf of Patient K.O. to request a refill of her prescription for Hydrocodone. When Dr. Chow's office found out that Dr. LeBlanc had authorized a refill already, they cancelled their refill authorization. Dr. LeBlanc spoke to Respondent and Patient K.O. regarding the need for the patient to wean off the medication and that she would only be authorizing one refill. Patient K.O. then asked Respondent to stop giving her Hydrocodone. At that point, Patient K.O. only had three (3) remaining pills from the original prescription bottle. On June 18, 2021, Respondent texted Patient K.O. multiple times to see if she needed assistance and asked Patient K.O. if she had picked up her new Hydrocodone prescription refill. Respondent then told Patient K.O. she combined the old and new prescription bottles which should have contained twenty-three (23) Hydrocodone pills. After Respondent left Patient K.O.'s home, the patient discovered only sixteen (16) pills in the prescription bottle. Respondent misappropriated seven (7) Hydrocodone belonging to Patient K.O.. Respondent's conduct was likely to defraud the patient of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G), (8),(10)(E)&(11)(B).

CHARGE IX.

On or about June 15, 2021 to June 18, 2021, while employed as a Registered Nurse (RN) with Cosmetic Companions, Irving, Texas, Respondent lacked fitness to practice nursing in that she exhibited signs of impairment while on duty, including but not limited to: dry mouth, jittery demeanor and excessive talking. Respondent's condition was likely to impair her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and is a violation 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).

CHARGE X.

On or about June 20, 2021, while employed as a Registered Nurse (RN) with Cosmetic Companions, Irving, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to cause her employer to submit a Notification of Employment form to the Texas Board of Nursing. Stipulation VI, Part B of the Agreed Order dated December 11, 2018 states:

"Notification of Employment Forms: RESPONDENT 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. RESPONDENT 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."

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by ANDREA ROSE KEARNS constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 707739, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 707739, issued to ANDREA ROSE KEARNS, to practice nursing in the State of Texas


be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.455, TEXAS OCCUPATIONS CODE.

This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 17 day of November, 2021.

TEXAS BOARD OF NURSING

BY:  _____

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

D4551(2021.08.11)

**In the Matter of
Permanent Registered Nurse
License Number 707739
Issued to ANDREA ROSE KEARNS,
Respondent**

§ **BEFORE THE TEXAS**
§
§
§ **BOARD OF NURSING**
§

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ANDREA ROSE KEARNS, is a Registered Nurse holding license number 707739 which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about March 22, 2021, while employed as a Registered Nurse (RN) at Discovery Village Southlake, Southlake, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to notify her employer in nursing and present a copy of the Agreed Order prior to accepting employment. Stipulation VI, Part A of the Agreed Order dated December 11, 2018 states:

"Notifying Present and Future Employers: RESPONDENT 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, RESPONDENT 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."

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

CHARGE II.

On or about March 24, 2021 to April 9, 2021, while employed as a Registered Nurse (RN) at Discovery Village Southlake, Southlake, Texas, Respondent misappropriated Lorazepam, Morphine, and Alprazolam prescribed to Patients JW, FH, and BO. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE

§217.11(1)(A),(1)(B)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G), (8),(10)(E)&(11)(B).

CHARGE III.

On or about March 26, 2021 to April 9, 2021, while employed as a Registered Nurse (RN) at Discovery Village Southlake, Southlake, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to be supervised as required by the Order by a Registered Nurse for the duration of her shifts. Stipulation VI, Part F of the Agreed Order dated December 11, 2018 states:

“Direct Supervision: For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT 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.”

Respondent worked a night shift from 2:00 pm to 10:00 pm on the following dates: March 26, 2021, March 29, 2021, March 30, 2021, March 31, 2021, April 1, 2021, April 5, 2021, April 6, 2021, April 7, 2021, April 8, 2021, April 9, 2021. The Director of Nursing, Alissa Whitworth, RN, was only present until 8:00 pm on average. For the remainder of these shifts, Respondent was unsupervised.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

CHARGE IV.

On or about March 27, 2021, while employed as a Registered Nurse (RN) at Discovery Village Southlake, Southlake, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to cause her employer to submit a Notification of Employment form to the Texas Board of Nursing. Stipulation VI, Part B of the Agreed Order dated December 11, 2018 states:

“Notification of Employment Forms: RESPONDENT 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. RESPONDENT 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.”

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

CHARGE V.

On or about March 29, 2021 to April 9, 2021, while employed as a Registered Nurse (RN) at Discovery Village Southlake, Southlake, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent administering Lorazepam, a controlled substance, to Patient BO on several occasions in violation of the Order. Stipulation VI, Part E of the Agreed Order dated December 11, 2018 states:

"No Administration of Controlled Medications: For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates."

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CHARGE VI.

On or about June 15, 2021 to June 18, 2021, while employed as a Registered Nurse (RN) with Cosmetic Companions, Irving, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to be directly supervised as required by the Order by a Registered Nurse for the duration of her shifts. Stipulation VI, Part F of the Agreed Order dated December 11, 2018 states:

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Respondent accepted two assignments as a home health nurse, as shown by Cosmetic Companions scheduling records, during which she was unsupervised. Respondent then scheduled two visits with the patient without the knowledge or supervision of anyone from Cosmetic Companions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

CHARGE VII.

On or about June 15, 2021 to June 18, 2021, while employed as a Registered Nurse (RN) with Cosmetic Companions, Irving, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent administering Hydrocodone and Diazepam, controlled substances, to Patient KO

on multiple occasions in violation of the Order. Stipulation VI, Part E of the Agreed Order dated December 11, 2018 states:

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CHARGE VIII.

On or about June 15, 2021 to June 18, 2021, while employed as a Registered Nurse (RN) with Cosmetic Companions, Irving, Texas, Respondent contacted Dr. Anita Chow and Dr. Danielle Blanc on behalf of Patient K.O. to request a refill of her prescription for Hydrocodone. When Dr. Chow's office found out that Dr. LeBlanc had authorized a refill already, she cancelled their refill authorization. Dr. LeBlanc spoke to Respondent and Patient K.O. regarding the need for the patient to wean off the medication and that she would only be authorizing one refill. Patient K.O. then asked Respondent to stop giving her Hydrocodone. At that point, Patient K.O. only had three (3) remaining pills from the original prescription bottle. On June 18, 2021, Respondent texted Patient K.O. multiple times to see if she needed assistance and asked Patient K.O. if she had picked up her new Hydrocodone prescription refill. Respondent then told Patient K.O. she combined the old and new prescription bottles which should have contained twenty-three (23) Hydrocodone pills. After Respondent left Patient K.O.'s home, the patient discovered only sixteen (16) pills in the prescription bottle. Respondent misappropriated seven (7) Hydrocodone belonging to Patient K.O.. Respondent's conduct was likely to defraud the patient of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE IX.

On or about June 15, 2021 to June 18, 2021, while employed as a Registered Nurse (RN) with Cosmetic Companions, Irving, Texas, Respondent lacked fitness to practice nursing in that she exhibited signs of impairment while on duty, including but not limited to: dry mouth, jittery demeanor and excessive talking. Respondent's condition was likely to impair her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and is a violation 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).

CHARGE X.

On or about June 20, 2021, while employed as a Registered Nurse (RN) with Cosmetic Companions, Irving, Texas, Respondent became non-compliant with the Agreed Order issued to her on December 11, 2018 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to cause her employer to submit a Notification of Employment form to the Texas Board of Nursing. Stipulation VI, Part B of the Agreed Order dated December 11, 2018 states:

"Notification of Employment Forms: RESPONDENT 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. RESPONDENT 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."

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.


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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated December 11, 2018.

Filed this 17 day of November, 2021.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Deputy General Counsel
Board Certified - Administrative Law
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333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512) 305-7401

Attachment(s): Order(s) of the Board dated December 11, 2018.

D(2021.08.10)



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
Registered Nurse License Number 707739 §
issued to ANDREA ROSE KEARNS §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANDREA ROSE KEARNS, Registered Nurse License Number 707739, 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 November 13, 2018.

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 Baccalaureate Degree in Nursing from the University of Texas at Arlington, Arlington, Texas, on May 14, 2004. Respondent was licensed to practice professional nursing in the State of Texas on July 20, 2004.

5. Respondent's nursing employment history includes:

7/2004 – 01/2013	RN	Arlington Memorial Hospital Arlington, Texas
02/2013 – 10/2013	Unknown	

Respondent's nursing employment history continued:

11/2013- 12/2016	RN	Texas Health Harris Methodist Hospital Southlake Southlake, Texas
01/2017 – 08/2017	Unknown	
09/2017 – 06/2018	RN	Supplemental Healthcare Amherst, New York
12/2017 – 03/2018	RN	Baylor Medical Center at Trophy Club Trophy Club, Texas
04/2018	Unknown	
05/2018 – 07/2018	RN	Medical City Las Colinas Irving, Texas
08/2018	Unknown	
09/2018 – 10/2018	RN	Sagecrest Hospital Grapevine, Texas
11/2018 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Baylor Medical Center at Trophy Club, Trophy Club, Texas, and had been in that position for three (3) months.
7. On or about March 19, 2018, through March 20, 2018, while employed as a Registered Nurse with Baylor Medical Center at Trophy Club, Trophy Club, Texas, Respondent lacked fitness to practice nursing in that she exhibited signs of impaired behavior while on duty, to include: slurred speech, forgetfulness, inability to focus, and staring blankly into space. 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.

8. On or about March 20, 2018, while employed as a Registered Nurse with Baylor Medical Center at Trophy Club, Trophy Club, Texas, Respondent engaged in the intemperate and/or unlawful use of Alprazolam, Morphine, and Marijuana, in that she produced a specimen for a drug screen that resulted positive for Alprazolam, Morphine, and Marijuana. Unlawful possession of Alprazolam, Morphine, and Marijuana is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Alprazolam, Morphine, and Marijuana 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.
9. On or about June 9, 2018, while employed as a Registered Nurse with Supplemental Healthcare, and on assignment at Methodist Dallas Medical Center, Dallas, Texas, Respondent left her nursing assignment in the intensive care unit for approximately twenty (20) minutes without notifying the appropriate personnel. Respondent's conduct exposed patients unnecessarily to risk of harm in that leaving the nursing assignment could have resulted in the patients not getting the care needed.
10. On or about June 9, 2018, while employed as a Registered Nurse with Supplemental Healthcare, and on assignment at Methodist Dallas Medical Center, Dallas, Texas, Respondent lacked fitness to practice nursing in that she exhibited signs of impaired behavior while on duty, to include: slurred speech, unsteady gait, and she was incoherent. Further, an empty vial of Dilaudid, an empty vial of Phenergan, an IV kit, syringes, and blood were found in the restroom Respondent was observed using several times during her shift. 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.
11. On or about July 25, 2018, while employed as a Registered Nurse with Medical City Las Colinas, Irving, Texas, Respondent lacked fitness to practice nursing in that she exhibited signs of impaired behavior while on duty, to include: slurred speech, disheveled appearance, and unsteady gait. Further, a bloody syringe, a bloody alcohol swab, camisole, gloves, and blood stained napkins were found in a restroom after she was observed leaving the restroom. 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.

12. On or about September 20, 2018, while employed as a Registered Nurse with Sagecrest Hospital, Grapevine, Texas, Respondent falsely documented receiving a telephone order for Morphine 4mg IV x1 for Patient Medical Record Number 600002005 without obtaining a valid physician's order. Specifically, Respondent documented receiving the telephone order at 10:30am when she contacted the physician at 12:09pm. Respondent's conduct was likely to deceive the facility and was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient. In addition, failure to administer medications as ordered by a physician could result in the patients suffering from adverse reactions.
13. On or about September 20, 2018, while employed as a Registered Nurse with Sagecrest Hospital, Grapevine, Texas, Respondent administered Morphine 4mg IV x 1 to Patient Medical Record Number 600002005 without a valid physician's order in that Respondent administered Morphine 4mg IV x 1 to the patient prior to contacting the physician. Respondent's conduct was likely to injure the patient in that the administration of the medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
14. On or about September 20, 2018, while employed as a Registered Nurse with Sagecrest Hospital, Grapevine, Texas, Respondent falsely documented the administration of Morphine in the Medication Administration Record (MAR) for Patient Medical Record Number 600007815 in that the patient denied receiving the medication. Respondent's conduct created an inaccurate medical record and failure to administer medication as ordered by the physician could have resulted in non-efficacious treatment.
15. Formal Charges were filed on September 4, 2018.

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)(D)&(1)(I) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(C),(1)(E),(4),(5),(6)(A),(6)(H),(10)(A),(10)(B),(10)(D),(10)(E),(11)(B) &(12).
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 707739, heretofore issued to ANDREA ROSE KEARNS.

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 Registered Nurse License Number 707739, previously issued to ANDREA ROSE KEARNS, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. Completes an appropriate treatment program approved by the Board;
- B. Provides documentation of successful completion; and
- C. Obtains twelve (12) consecutive months of sobriety, which may be demonstrated by monthly urine drug screens consistent with the "DRUG AND ALCOHOL RELATED REQUIREMENTS" of this Order.

Any relapse prior to the completion of the required twelve (12) consecutive months of sobriety will result in revocation or, at a minimum, an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for a minimum of three (3) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- E. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.

- F. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- G. 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 suspension being stayed, 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 "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 five hundred dollars (\$500.00) within forty-five (45) days of the suspension being stayed.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT 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 twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) 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:** RESPONDENT 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, RESPONDENT 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:** RESPONDENT 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. RESPONDENT 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. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT 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 RESPONDENT is regularly assigned.
- D. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT 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.
- E. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- F. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT 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 RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency.

RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- G. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT 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 RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- H. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT 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 twelve (12) quarters [three (3) years] of employment as a nurse.

VII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT 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, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that the prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT 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, RESPONDENT SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and all 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 RESPONDENT obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period RESPONDENT 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 RESPONDENT 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. RESPONDENT 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
Butobarbital	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, **RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT 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 RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY 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. 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. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

IX. 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.

X. 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 admit and do not deny the violation(s) alleged herein. By my signature on this Order, I accept 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 is subject to modification 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 I am to comply with all terms and conditions of this Order. I will be subject to investigation and disciplinary sanctions, including possible revocation of my license(s) and opportunities to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15th day of November, 2018
Andrea Rose Klearns
ANDREA ROSE KLEARNS, Respondent

Sworn to and subscribed before me this 15th day of November, 2018.

Notary

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 15th day of November, 2018, by ANDREA ROSE KEARNS, Registered Nurse License Number 707739, and said Agreed Order is final.

Effective this 11th day of December, 2018.



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