



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.
 Kristin K. Benton, DNP, RN
 Executive Director
 Texas Board of Nursing

Texas Board of Nursing

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 www.bon.texas.gov

Katherine A. Thomas, MN, RN, FAAN
Executive Director

December 7, 2022

Certified Mail No. 9214 8901 9403 8300 0097 9510 31
Return Receipt Requested, Copy Via USPS First Class Mail

Kristin Collins
 3004 Yucca Avenue
 Fort Worth, TX 76111

Dear Ms. Collins:

Your Petition for Licensure Reinstatement and the supporting information related to your potential ineligibility for relicensure was considered by the Executive Director.

Pursuant to the Occupations Code Chapter 53 and §§301.257, 301.452, and 301.453, you have been found to be ineligible for reinstatement of licensure as a nurse in the State of Texas based upon the grounds discussed below. **This is a final determination of licensure reinstatement denial.**

Our records indicate the following:

On or about October 29, 2019, you entered a plea of Guilty to and were convicted of POSS CS PG 3>=28G<200G, 3rd Degree Felony offense committed on October 19, 2018, in the 18th District Court of Johnson County, Texas, under Cause No. DC-F201900117. As a result of the conviction, you were sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for three (3) years and ordered to pay court costs. On or about December 9, 2019, your licenses were revoked by operation of law when you were incarcerated in the Texas Department of Criminal Justice Institution Division. On March 21, 2022, you were discharged from parole.

On or about March 28, 2019, you entered a plea of Guilty to and were convicted of THR PROP \$100-\$750, a Class B misdemeanor offense committed on May 17, 2018, in the County Criminal Court No. 8 of Tarrant County, Texas, under Cause No. 1578919.

Kathy Shipp, MSN, APRN, FNP
 Lubbock, *President*

Allison Porter-Edwards, DrPH, MS, RN, CNE
 Bellaire, *Vice-President*

On or about March 28, 2019, you entered a plea of Guilty to and were convicted of FAIL TO ID-FUG-FALSE INFO, a Class A misdemeanor offense committed on February 26, 2019, in the County Criminal Court No. 8 of Tarrant County, Texas, under Cause No. 1584995. As a result of the conviction, you were sentenced to confinement in the Tarrant County Jail for a period of fifteen (15) days and ordered to pay court costs.

On or about October 18, 2012, your licenses to practice nursing in the State of Texas were suspended with the suspension stayed and you were placed on probation through an Order of the Board. The Findings from the Order included:

- On or about May 21, 2009, through September 8, 2009, while employed in the Emergency Department with Seton Family of Hospitals, Austin, Texas, you withdrew narcotics from the Omnicell Medication Dispensing System for patients but failed to follow the policy and procedures for wastage of unused portions of the medications.
- On or about December 10, 2009, while employed in the Emergency Department with Seton Family of Hospitals, Austin, Texas, you incorrectly administered 400mg of Motrin instead of the ordered 600mg of Motrin to Patient Medical Record Number 202236.
- On or about December 30, 2009, while employed in the Emergency Department with Seton Family of Hospitals, Austin, Texas, you incorrectly calculated a dose of Tylenol at 15mg/lb and subsequently administered that dose to Patient Medical Record Number 580917 even though the physician had ordered Tylenol 15mg/kg.
- On or about February 8, 2010, while employed in the Emergency Department with Seton Family of Hospitals, Austin, Texas, you withdrew L.E.T. gel from the Omnicell Medication Dispensing System for Patient Medical Record Number 230496, but failed to accurately and completely document the administration of the medication in that patient's medical record.
- On or about November 7, 2010, while employed in the Emergency Department with Seton Family of Hospitals, Austin, Texas, you incorrectly administered Moxifloxacin 400mg to Patient Medical Record Number 238176, instead of the Amox (amoxicillin) 500mg which was ordered by the physician. You then incorrectly documented in the patient's medical record that you administered Amox 500mg.
- On or about March 30, 2010, you plead "Guilty" to "ATTEMPT TO COMMIT HARASSMENT" (a misdemeanor offense which was committed on September 10, 2009) under Cause No. CCL-09-1822, in the County Court at Law #2, Guadalupe County, Texas.
- On or about October 10, 2011, you pled "Nolo Contendere" to "ATTEMPT TO COMMIT CRIMINAL MISCHIEF >=\$50<\$500 (a Class C misdemeanor committed on January 15, 2011) under Cause No. CCL-11-0197, in the County Court at Law #2, Guadalupe County, Texas.

On or about November 9, 2004, you were issued the sanction of Warning with Stipulations through an Order of the Board. The Findings from the Order included:

- On or about February 28, 2004, while employed with Seton Edgar B. Davis Hospital, Luling, Texas, you failed to comply with the Order of Conditional Eligibility issued to you on February 3, 2003, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of your failure to comply with Stipulation Number Two (2) of the Order which states, in pertinent part: (2) ... PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a professional nurse.

- On or about May 31, 2004, while employed with the aforementioned facility, you failed to comply with the Order of Conditional Eligibility issued to you on February 3, 2003, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of your failure to comply with Stipulation Number Four (4) of the Order which states, in pertinent part: (4) 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 professional nursing

On or about February 3, 2003, you were issued an Order of Conditional Eligibility by the Board. The Findings from the Order of Conditional Eligibility included:

- On January 15, 1999, Petitioner was charged with the felony offense of Possession with Intent to Use, Sell, Circulate, or Pass a Forged or Counterfeit Instrument and Forgery by Possession of Check with Intent to Pass, and the class A misdemeanor offense of Forgery by Possession of a Check with Intent to Pass, in the 297th District Court of Tarrant County, Texas. Petitioner entered a plea of guilty for all three (3) offenses with proceedings deferred without adjudication and Petitioner was placed on probation for five (5) years.

You are subject to denial of licensure for this conduct pursuant to the following subsections of the Occupations Code §301.452(b):

- §301.452(b)(3): "a conviction for, or placement on deferred adjudication community supervision or deferred disposition for, a felony or for a misdemeanor involving moral turpitude;"
- §301.452(b)(12): "lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public;"

Further, the Board has adopted rules, located at 22 Tex. Admin. Code §213.28, including the Board's Disciplinary Guidelines for Criminal Conduct, that set forth the considerations and criteria for determining the effect of criminal offenses on the eligibility of a person to obtain a license. An individual is subject to denial of licensure or to disciplinary action for a conviction for, or placement on deferred adjudication community supervision or deferred disposition for, a felony that is directly related to the practice of nursing or for a misdemeanor involving moral turpitude that is directly related to the practice of nursing. Further, the Board's Rules apply to crimes that have been adjudicated through agreement or judicial order by a state or federal criminal justice system, without re-litigation of the underlying factual basis for the agreement or judicial order. A review of your file indicates that you are ineligible for licensure based upon the factors set forth in §213.28.

The Board has determined that your criminal conviction(s) are directly related to the practice of nursing using the following factors: the nature and seriousness of the crime, the relationship of the crime to the purposes for requiring a license to engage in the occupation, the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved, the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation, and any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation (as required by Occupations Code §53.022). In determining whether to take action on your directly related conviction(s), the Board has considered the following factors: the extent and nature of the your past criminal activity, your age when the crime was committed, the amount of time that has elapsed since your last criminal activity, your conduct and work activity before and after the criminal activity, evidence of your rehabilitation or rehabilitative effort while incarcerated or after release, and evidence of your fitness, including letters of recommendation (as required by Occupations Code §53.023).

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The Board also requires petitioners to demonstrate their ability to consistently conform to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice; to possess good professional character; and to pose no threat to the health and safety of patients and the public. The Board has adopted a rule, located at 22 Tex. Admin. Code §213.27, that sets forth the factors and disciplinary and eligibility policies and guidelines that must be used in evaluating good professional character in eligibility and disciplinary matters. Based upon the factors specified in §213.27, you have failed to provide sufficient evidence of good professional character required by §213.27.

The Board has also adopted a rule, located at 22 Tex. Admin. Code §213.29(d)(2), regarding "Substance Use Disorders and Abuse/Misuse of Alcohol or Drugs" related to fitness to practice, which states: "Individuals who have not been diagnosed, treated, or hospitalized for a substance use disorder, but have nonetheless exhibited behaviors raising concerns about the individual's ability to practice nursing with reasonable skill and safety due to the possession, misuse, or abuse of alcohol or drugs, prescribed or otherwise, including related criminal conduct, may be required to demonstrate sobriety and abstinence from drugs and alcohol for a minimum of twelve consecutive months, through verifiable and reliable evidence, in order to obtain or retain licensure. Verifiable and reliable evidence of sobriety and abstinence from drugs and alcohol may include evidence of the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group therapy, and/or support group attendance." You have failed to provide proof of sobriety in accordance with the requirements of 22 Tex. Admin. Code §213.29(d)(2).

Texas Occupations Code Chapters 53 and 301, as well as the Board's rules, 22 Tex. Admin. Code §213.27 - §213.33, the Board's Disciplinary Sanction Policies, and the Board's Disciplinary Guidelines for Criminal Conduct are hereby incorporated by reference herein and may be located on the Board's website at www.bon.texas.gov.

Please refer to Occupations Code §53.052 and Government Code Chapter 2001. Further, Occupations Code §53.026 requires the State Auditor to develop and publish a guide of best practices for applicants with prior convictions to utilize when applying for licensure. A link to the State Auditor's Office may be found at: <https://www.sao.texas.gov/>.

You will not be allowed to petition for reinstatement until at least one (1) year from the date of this denial and until you have satisfied any conditions outlined in your order and any requirements required by law at the time of your application.

Due to this denial, you have the right to a public hearing before an Administrative Law Judge with the State Office of Administrative Hearings. Should you decide to appeal the decision to deny you licensure, please submit a written request for a public hearing, to the attention of Office of General Counsel, 1801 Congress Avenue, Suite 10-200, Austin, Texas, 78701. Your written request to appeal this decision must be received in our office within sixty (60) days of the date of this letter. Further, if this office receives information regarding additional criminal conduct or behavior that has not been previously disclosed to or discovered by this office, please be advised that evidence of such additional criminal conduct or behavior may be used against you during the public hearing in this matter to show that you lack the good professional character and other requirements for licensure.

Further, should the decision to deny your licensure be upheld by the State Office of Administrative Hearings, you will be entitled to judicial review by filing an action in the district court of Travis County, Texas. A petition for such an action must be filed not later than the 30th day after the date the licensing authority's decision is final and appealable.

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If you have any questions, please contact Enforcement at (512) 305-6838.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine A. Thomas". The signature is fluid and cursive, with the first name being the most prominent.

Katherine A. Thomas, MN, RN, FAAN
Executive Director

KAT/083

J5(2022.12.05)