



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

**In the Matter of
Permanent Registered Nurse
License Number 824200
Issued to KELLY VERN KIDDER,
Respondent**

**§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE**

ORDER OF THE BOARD

TO: Kelly Kidder
6716 3rd St
Lubbock, TX 79416

During open meeting held in Austin, Texas, on November 12, 2024, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 824200, previously issued to KELLY VERN KIDDER to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 12th day of November, 2024.

TEXAS BOARD OF NURSING

BY: *Kristin K. Benton, DNP, RN*

KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed August 26, 2024

d17r(2024.10.04)

Re: Permanent Registered Nurse License Number 824200
Issued to KELLY VERN KIDDER
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2024, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested,

Copy Via USPS First Class Mail

Kelly Kidder
6716 3rd St
Lubbock, TX 79416

BY: Kristin K. Benton, DNP, RN

KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of
Permanent Registered Nurse
License Number 824200
Issued to KELLY VERN KIDDER,
Respondent**

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

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KELLY VERN KIDDER, is a Registered Nurse holding license number 824200, which is in delinquent 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 September 13, 2023, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on September 13, 2022. Non-compliance is the result of Respondent's failure to complete Board approved courses in medication administration, physical assessment, and sharpening critical thinking skills. Section V, Parts A, B, and C of the Agreed Order dated September 13, 2022, state, in pertinent part:

"RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in medication administration...
- B. A Board-approved course in physical assessment...
- C. The course "Sharpening Critical Thinking Skills,"..."

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 2 TEX. ADMIN. CODE §217.12(11)(B).

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CHARGE II.

On or about December 24, 2023, through January 25, 2024, while employed as a Registered Nurse with Bender Terrace Nursing and Rehabilitation Center, Lubbock, Texas, Respondent signed out Hydrocodone on the narcotic count sheets for Residents RB and JT, without a documented indication of pain, and failed to document the administration of the Hydrocodone in the residents' medication administration records (MARs) and/or nurse's notes, as follows:

Date	Time	Resident	Medication Signed Out (Qty)	MAR	Pain Assessment
12/24/2023	1430	RB	Hydrocodone 5/325mg tab (2)	None	None
1/1/2024	0745	RB	Hydrocodone 5/325mg tab (2)	None	None
1/2/2024	0730	RB	Hydrocodone 5/325mg tab (2)	None	None
1/6/2024	1020	RB	Hydrocodone 5/325mg tab (2)	None	None
1/7/2024	0645	RB	Hydrocodone 5/325mg tab (2)	None	None
1/10/2024	1130	RB	Hydrocodone 5/325mg tab (2)	None	None
1/10/2024	1600	RB	Hydrocodone 5/325mg tab (2)	None	None
1/11/2024	1200	RB	Hydrocodone 5/325mg tab (2)	None	None
1/15/2024	1345	RB	Hydrocodone 5/325mg tab (1)	None	None
1/25/2024	0800	JT	Hydrocodone 7.5/325mg tab (1)	None	None

Respondent's conduct was likely to injure the residents in that subsequent care givers would rely on his documentation to further medicate the residents, which could result in an overdose. Additionally, Respondent's conduct placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(14), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4) &(11)(B).

CHARGE III.

On or about December 24, 2023, through January 25, 2024, while employed as a Registered Nurse with Bender Terrace Nursing and Rehabilitation Center, Lubbock, Texas, Respondent signed out Hydrocodone on the narcotic count sheets for Residents RB and JT, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication, as follows:

Date	Time	Resident	Medication Signed Out (Qty)	Waste	Physician's Order	MAR	Pain Assessment
12/24/2023	1430	RB	Hydrocodone 5/325mg tab (2)	None	Norco 10/325mg 1 tab po q4h prn pain	None	None
1/1/2024	0745	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/2/2024	0730	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/6/2024	1020	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/7/2024	0645	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/10/2024	1130	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/10/2024	1600	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/11/2024	1200	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/15/2024	1345	RB	Hydrocodone 5/325mg tab (1)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/25/2024	0800	JT	Hydrocodone 7.5/325mg tab (1)	None	Norco 7.5/325mg po 1 tab q6h prn pain	None	None

Respondent's conduct left medications unaccounted for and placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(14), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

CHARGE IV.

On or about December 24, 2023, through January 25, 2024, while employed as a Registered Nurse with Bender Terrace Nursing and Rehabilitation Center, Lubbock, Texas, Respondent misappropriated Norco belonging to Residents RB and JT. Respondent's conduct was likely to defraud the facility and residents of the cost of the medications.

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

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CHARGE V.

On or about January 1, 2024, through January 11, 2024, while employed as a Registered Nurse with Bender Terrace Nursing and Rehabilitation Center, Lubbock, Texas, Respondent signed out Hydrocodone on the narcotic count sheet for Resident RB in excess dosage of the physician's order, as follows:

Date	Time	Resident	Medication Signed Out (Qty)	Waste	Physician's Order	MAR	Pain Assessment
1/1/2024	0745	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/2/2024	0730	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/6/2024	1020	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/7/2024	0645	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/10/2024	1130	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/10/2024	1600	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None
1/11/2024	1200	RB	Hydrocodone 5/325mg tab (2)	None	Norco 5/325mg 1 tab po q4h prn pain	None	None

Respondent's conduct placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(14), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(11)(B).

CHARGE VI.

On or about January 1, 2024, through January 25, 2024, while employed as a Registered Nurse with Bender Terrace Nursing and Rehabilitation Center, Lubbock, Texas, Respondent inappropriately practiced professional nursing with a delinquent license. Respondent's nursing license expired on December 31, 2023. Respondent's conduct deceived residents, their families, fellow care givers, and the public in that they believed Respondent's nursing practice was in compliance with all Board Rules and Regulations.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A)&(6)(H).

CHARGE VII.

On or about January 25, 2024, while employed as a Registered Nurse with Bender Terrace Nursing and Rehabilitation Center, Lubbock, Texas, Respondent engaged in the intemperate use of Norco in that Respondent admitted to signing out and ingesting one Norco 7.5-325mg tablet, belonging to Resident JT, for back and knee pain. The use of Hydrocodone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the resident's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the residents in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10)&(14), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(5),(10)(A),(10)(D) &(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.

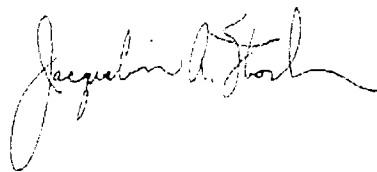
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, on adopted policies related to Behavior Involving Lying and Falsification, and on adopted policies related to Behavior Involving Fraud, 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.

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 10, 2019, and September 13, 2022.

Filed this 26th day of August, 2024

TEXAS BOARD OF NURSING



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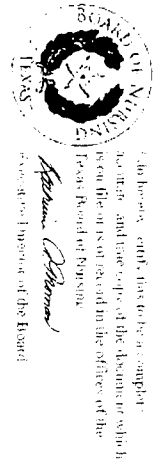
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P: (512) 305-8657
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Attachment(s): Order(s) of the Board dated December 10, 2019, and September 13, 2022.

D:\2024.06.12)



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Registered Nurse License Number 824200
issued to KELLY VERN KIDDER

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KELLY VERN KIDDER, Registered Nurse License Number 824200, 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)&(14), 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 June 3, 2022.

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 Texas Tech University, Lubbock, Texas, on May 20, 2012. Respondent was licensed to practice professional nursing in the State of Texas on July 31, 2012.
5. Respondent's nursing employment history includes:

7/2012 – 4/2018

RN

Covenant Medical Center
Lubbock, Texas

Respondent's nursing employment history continued:

5/2018 – 7/2018	RN	Lubbock Heart & Surgical Hospital Lubbock, Texas
8/2018	Unknown	
9/2018 – 12/2021	RN	Grace Surgical Hospital Lubbock, Texas
1/2022 – Present	Unknown	

6. On or about December 10, 2019, Respondent was issued the sanction of Reprimand with Stipulations through an Order of the Board. Respondent has not successfully completed this Order. A copy of the December 10, 2019, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Grace Surgical Hospital, Lubbock, Texas, and had been in that position for two (2) years and three (3) months.
8. On or about December 10, 2020, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on December 10, 2019. Noncompliance is the result of Respondent's failure to complete the Board-approved courses in medication administration, physical assessment, and sharpening critical thinking skills. Section IV, Parts B, C & E of the Agreed Order dated December 10, 2019, state, in pertinent part:
"RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of the effective date of this Order, unless otherwise specifically indicated:
B. A Board-approved course in medication administration...
C. A Board-approved course in physical assessment...
E. The course "Sharpening Critical Thinking Skills,"..."
9. On or about July 24, 2021, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on December 10, 2019. Non-compliance is the result of Respondent's failure to ensure that his employer submitted quarterly reports as to his capability to practice nursing. Section V, Part E of the Agreed Order dated December 10, 2019 states:

"E. **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 eight (8) quarters [two (2) years] of employment as a nurse."

Respondent was employed with Grace Medical Center, Lubbock, Texas, and did not submit his nursing performance evaluation due July 24, 2021.

10. On or about December 6, 2021, while employed as a Registered Nurse with Grace Surgical Hospital, Lubbock, Texas, Respondent exceeded his scope of practice by falsely documenting a verbal physician's order for Patient Number 20018433544 [DF] to discontinue an order for 1 tablet of Norco 5/325mg and entered a new order for 1-2 tablets of Norco 5/325mg, without authorization from the physician. Respondent's conduct was deceptive, created an inaccurate medical record, and was likely to injure the patient in that the administration of narcotics in excess dosage of the actual physician's order could result in the patient suffering from adverse reactions.
11. In response to Findings of Fact Numbers Eight (8) through Ten (10), regarding the courses. Respondent states the courses were not completed due to financial constraints during the pandemic in which all elective surgeries were suspended. Respondent states he understands that he should have contacted the BON at that time he takes full responsibility for that mistake. Respondent requests that he be allowed to complete the remaining courses. Regarding the nursing performance evaluation, Respondent states it was his understanding that his nurse manager at the time was submitting the reports and states he was not aware that they were not being submitted. Regarding the verbal physician's order, Respondent denies that he exceeded his scope and states the order in question was received from the physician, entered into the computer charting system, and verified by the pharmacy.
12. Formal Charges were filed on April 27, 2022.

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)(P)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(A),(6)(H),(10)(B)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(10)&(14), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 824200, heretofore issued to KELLY VERN KIDDER.

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 824200, previously issued to KELLY VERN KIDDER, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

- 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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. As a result of this Order, 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.

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. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

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. 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 effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

B. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

C. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

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*

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 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:** 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. **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.
- D. **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.
- E. **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 eight (8) quarters [two (2) years] of employment as a nurse.

VII. CONSEQUENCES OF CONTINUED NONCOMPLIANCE

Continued noncompliance with the unfulfilled requirements of this or any Order previously issued by the Texas Board of Nursing, as applicable, may result in further investigation and subsequent disciplinary action, including denial of licensure renewal or revocation of RESPONDENT'S license(s) and/or privileges to practice nursing in the State of Texas.

VIII. 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.

IX. 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 14th day of July, 2022.

Kelly Vern Kidder RN, BSN
KELLY VERN KIDDER, RESPONDENT

Sworn to and subscribed before me this 14th day of July, 2022

SEAL

K Barnett
Notary Public in and for the State of Texas

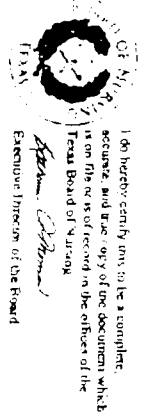


WHEREFORE, PREMISES CONSIDERED. the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of July, 2022, by KELLY VERN KIDDER, Registered Nurse License Number 824200, and said Agreed Order is final.

Effective this 13th day of September, 2022.



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



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 824200 §
issued to KELLY VERN KIDDER §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KELLY VERN KIDDER, Registered Nurse License Number 824200, 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 September 4, 2019.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Tech University, Lubbock, Texas, on May 20, 2012. Respondent was licensed to practice professional nursing in the State of Texas on July 31, 2012.
5. Respondent's nursing employment history includes:

7/2012 – 4/2018	Registered Nurse	Covenant Medical Center Lubbock, Texas
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Respondent's nursing employment history continued:

May 2018 – July 2018	Registered Nurse	Lubbock Heart & Surgical Hospital Lubbock, Texas
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August 2018 – Present	Unknown	
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6. At the time of the incident, Respondent was employed as a Registered Nurse with Lubbock Heart & Surgical Hospital, Lubbock, Texas, and had been in that position for two (2) months.
7. On or about June 30, 2018, while employed as a Registered Nurse at Lubbock Heart & Surgical Hospital, Lubbock, Texas, Respondent failed to assess and/or document the pain assessment of Patient Medical Record 103358 prior to the administration of Oxycodone, Norco, and Tramadol. Respondent's conduct was likely to injure the patient from clinical decision based on incomplete assessment information and created an inaccurate medical record.
8. On or about June 30, 2018, while employed as a Registered Nurse at Lubbock Heart & Surgical Hospital, Lubbock, Texas, Respondent inappropriately administered Oxycodone, Norco, and Tramadol orally to Patient Medical Record 103358 who was intubated and sedated following an ileum to colon bypass surgery and placement of a gastrostomy tube. Respondent's conduct was likely to injure the patient from complications of aspiration and/or surgical complications.
9. In response to Finding of Fact Number Eight (8), Respondent states the patient was restless due to pain, and in an effort to use the least strong medication, Respondent crushed the tablet, mixed with water and administered via the nasogastric tube. In addition, Respondent states the physician suspended oral medications prior to surgery, but Respondent gave oxycodone at 1401 based on the anesthesiologist's order, then at 1618, he gave Norco and Tramadol based on two other physicians' orders.
10. Formal Charges were filed on May 6, 2019.

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)(M), and 22 TEX. ADMIN. CODE §217.12((1)(A),(1)(B),(1)(C)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 824200, heretofore issued to KELLY VERN KIDDER.
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 that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** in accordance with the terms of this Order.

- 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. 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 effective date of this Order, 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. A Board-approved course in medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the

course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- C. A Board-approved course in physical assessment with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- D. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- E. 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. 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 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:** 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. **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.
- D. **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.

- E. **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 eight (8) quarters [two (2) years] of employment as a nurse.

VI. **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 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 22 day of Oct, 2019.
Kelly Vern Kidder
KELLYVERN KIDDER, RESPONDENT

Sworn to and subscribed before me this 22nd day of Oct, 2019.

SEAL



Lola J. Smith-Gentry
Notary Public in and for the State of Texas

Approved as to form and substance.

LR
Linda Russell, Attorney for Respondent

Signed this 22nd day of Oct, 2019.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of October, 2019, by KELLY VERN KIDDER, Registered Nurse License Number 824200, 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