BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	
License Number 173815	§	AGREED
issued to DELISA A. KELM	§	ORDER

TEXAS BOARD OF NURSING

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.

Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Boar considered the matter of DELISA A. KELM, Vocational Nurse License Number 173815, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 2, 2011, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from South Plains College, Plainview, Texas, on August 12, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on October 13, 1999.

5. Respondent's vocational nursing employment history includes:

   10/1999 - 05/2001 Employment History Unknown

Respondent's vocational nursing employment history continued:

05/2001 - 10/2002	LVN	Floydada Rehabilitation and Care Floydada, Texas
11/02 - 12/2002	Employment history unknown	
01/2003 - 04/2005	LVN	Plainview Covenant Hospital Plainview, Texas
2002 - 04/2005	LVN	Primestaff Lubbock, Texas
04/2005 - 11/2007	LVN	Interim Healthcare of West Texas, L.L.C Lubbock, Texas
12/2007 - 05/2009	LVN	Hale Center Independent School District Hale Center, Texas
05/209 - 01/2010	LVN	Plainview Healthcare and Rehab Plainview, Texas
01/2010 - 04/2010	Employment history unknown.	
04/2010 -01/2011	LVN	Covenant Healthcare Center Plainview, Texas

6. On June 9, 2009, Respondent was issued an Agreed Order by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 9, 2009, is attached and incorporated, by reference, as part of this Order.

7. At the time of the initial incident, Respondent was employed as a vocational nurse with Covenant Healthcare Center, Plainview, Texas, and had been in this position for six (6) months.

8. On or about October 18, 2010, while employed as a Licensed Vocational Nurse with Covenant Healthcare Center, Plainview, Texas, Respondent submitted fraudulent prescriptions for Ambien and Ativan to Walmart Pharmacy, Dumas, Texas, for Patient Medical Record Number 29042. Respondent's conduct was likely to deceive the pharmacy and possession of Ambien and Ativan through use of an unauthorized, fraudulent prescriptions is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

9. In response to Finding of Fact Number Eight (8), Respondent states: " In July 2010, my position was changed to assist the doctor with paperwork, calling back lab results, returning phone calls, calling in prescriptions, and filing paperwork in patient charts. The doctor saw between 40-63 patients a day. The clinic was attempting to file a medication sheet in every patient's file, that was to be updated every time the patient's chart was reviewed. This was in the beginning stages and was not done consistently on every chart. I would always clarify prior to contacting the pharmacy and double check for accuracy. Patient 29042 was requesting to be seen for severe abdominal pain, and was put into the schedule as a work in. I recall the day being extremely busy so I was helping in the clinic instead of doing paperwork. During the exam 29042 verbalized a concern of having anxiety attacks and being unable to sleep due to the pain. During the visit medications for anxiety and insomnia were discussed. In October I received a message that 29042 had called and requested meds for anxiety and sleep. I remember having a hard time locating her chart. I discussed the message with the doctor in between patients. I received a verbal order for Ativan and Ambien. The order was a 30day supply of each with no refills. I called this into the Dumas Wal-mart. I remember placing her 3x5 index card on my desk. I cannot remember if it was filled in her chart since I was unable to find it earlier in the day."

10. On or about November 1, 2010, while employed as a Licensed Vocational Nurse with Covenant Healthcare Center, Plainview, Texas, Respondent submitted a fraudulent prescription for a Medrol Pack to Walmart Pharmacy, Dumas, Texas, for Patient Medical Record Number 29042. Respondent's conduct was likely to deceive the pharmacy and possession of a Medrol Pack through use of an unauthorized, fraudulent prescription is prohibited by Chapter 483 (Dangerous Drug Act) of the Texas Health and Safety Code.

11. In response to Finding of Fact Number Ten (10), Respondent states: "In November, Patient Medical Record 29042 called stating that she was having an asthma exacerbation. The doctor has treated her for this several times. He was standing at the podium in between patients and was instructing me to ask her questions regarding her condition. He told me to call a Medrol dose pack into the pharmacy with orders to take as directed. This was called into Dumas Wal-mart pharmacy."

12. On or about January 7, 2011, while employed as a Licensed Vocational Nurse with Covenant Healthcare Center, Plainview, Texas, Respondent submitted a fraudulent prescription for Ambien to Walmart Pharmacy, Dumas, Texas, for Patient Medical Record Number 29042. Respondent's conduct was likely to deceive the pharmacy and possession of Ambien through use of an unauthorized, fraudulent prescription is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

13. In response to Finding of Fact Number Twelve (12), Respondent states: "Patient Medical Record Number 29042 called and left a message in January for a refill for Ambien for the insomnia. I called this refill in to Dumas Wal-mart Pharmacy. I knew that the patient had been ordered this medication in October."

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 of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(10)(E)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 173815, heretofore issued to DELISA A. KELM, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 173815, previously issued to DELISA A. KELM, to practice vocational nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(2) RESPONDENT SHALL, within one (1) year of the date of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.

(3) RESPONDENT SHALL, within one (1) year of the date of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS 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 STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year 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). The 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.

(8) For the remainder of the 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 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.

(9) 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 nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

(10) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of 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 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.**

(11) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

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.

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 probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall 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 Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of January, 2012.

DELISA A. KELM, Respondent

Sworn to and subscribed before me this 9th day of January, 2012.

SEAL

Mary E. Brown

Notary Public in and for the State of Texas

MARY E. BROWN
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES:
12-21-2013

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of January, 2012, by DELISA A. KELM, Vocational Nurse License Number 173815, and said Order is final.

Effective this 14th day of February, 2012.

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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	AGREED
License Number 173815	§	
issued to DELISA A. KELM	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DELISA A. KELM, Vocational Nurse License Number 173815, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 14, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from South Plains College-Plainview Extension, Plainview, Texas, on August 12, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on October 13, 1999.

5. Respondent's vocational nursing employment history includes:

   10/1999 - 05/2001 Employment History Unknown

Respondent's vocational nursing employment history continued:

05/2001 - 10/2002	LVN	Floydada Rehabilitation and Care Floydada, Texas
11/02 - 12/2002	Employment history unknown	
01/2003 - 04/2005	LVN	Plainview Covenant Hospital Plainview, Texas
2002 - 04/2005	LVN	Primestaff Lubbock, Texas
04/2005 - 11/2007	LVN	Interim Healthcare of West Texas, L.L.C Lubbock, Texas
11/2007 - Present	Employment history unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Interim Healthcare of West, Texas L.L.C., Lubbock, Texas, and had been in this position for one (1) year and two (2) months.

7. On or about February 2006 through August 2007, while employed with Interim Healthcare of West Texas, LLC, Lubbock, Texas, Respondent submitted and/or produced fraudulent bids for Community Based Alternative (CBA) home modifications. Respondent's conduct deceived her employer and may have placed patients at risk of injury from inappropriate and/or non-efficacious Community Based Alternative (CBA) home modifications.

8. In Response to Finding of Fact Number Seven (7), Respondent states; "when I began working, the CBA program of Plainview only used one contractor. I began searching for contractors to do the minor modifications for the CBA clients. I found three contractors in Plainview. I used T.T. on one occasion. He completed the job but did not like the fact that it was up to 60 days before he was paid for the job. He stated that his company was mainly for major home/building repairs, and requested that I not use him again. I used L.H. on one occasion. He did a good job but it was difficult for him to complete the job in the time frame that was required. I did not use him for any other jobs. I was left with one contractor in the area. I explained this to my supervisor. Knowing that I had to have three contractor bids, she explained to me the procedure they used in the Lubbock office when she did not have enough contractors for a job. She said that she would choose the contractor that she wanted and allow him to do the written specifications. Once the specifications were turned in she would make up a bid sheet. On the bid sheet she would write down three contractors and 'make up' the bids for the other two contractors. She would make the bids higher than the contractor of choice bids. She explained that if I did call and attempt to receive three true

bids and I did not have a response within a time frame, then I could write a 2067 stating that only one contractor turned in a bid. She stated that it was just easier to make up the bids than to try and get three true bids. I did this on or about March 2006 through August 2007."

9. On or about February 2006 through August 2007, while employed with Interim Healthcare of West Texas, LLC, Lubbock, Texas, Respondent selected contractors and/or inspectors for the Community Based Alternative (CBA) home modifications that did not meet the standard qualifications, and as a result the health and safety of the clients were jeopardized.

10. In Response to Finding of Fact Number Nine (9), Respondent states; "The inspectors were required to read and sign a letter acknowledging that they read and understood the TAS Standards. They were also aware that all minor home modifications had to meet TAS Standards, and must also meet the written specifications of the contractor. I kept the contractors qualifications and letters of acknowledgment of TAS standards. I used L.H and V.F. for a majority of the inspections. However, I did use J.K. on some inspection in February 2007. I feel that I did make a wrong decision to make up bids for the home modifications. I feel that I was performing the job that I was taught. I do feel that this allegation is incorrect. I followed the CBA manual in choosing the contractors and inspectors, all of which met the CBA requirements. I do not feel that the CBA clients were in harms way."

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(A)&(H).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 173815, heretofore issued to DELISA A. KELM, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas

Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to DELISA A. KELM, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://www.learningext.com/products/generalce/critical/ctabout.asp.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars ($250). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE

STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse or 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 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.

(8) 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 Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1st day of May, 2009.

DELISA A. KELM, Respondent

Sworn to and subscribed before me this 1st day of May, 2009.

LINDA JO NORRIS
Notary Public, State of Texas
My Commission Expires
June 27, 2009

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 1st day of May, 2009, by DELISA A. KELM, Vocational Nurse License Number 173815, and said Order is final.

Effective this 9th day of June, 2009.

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