



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.
Patricia P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 662646 § REINSTATEMENT
issued to KELLY BAKER WEBSTER § AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter refer the Board, the Petition for Reinstatement of Registered Nurse License Number 662646, held by BAKER WEBSTER, hereinafter referred to as Petitioner.

An informal conference was held on February 1, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth, PhD, RN, Director of Nursing, Executive Director's Designee; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Galveston College, Galveston, Texas, on May 1, 1999. Petitioner was originally licensed to practice professional nursing in the State of Texas on July 20, 1999.

4. Petitioner's professional nursing employment history includes:

9/99 - 5/01	Staff Nurse	Mainland Medical Center Texas City, Texas
2/02 - 6/03	Staff Nurse	Coastal Staffing Agency Lake Jackson, Texas
6/03 - 8/03	Staff Nurse	Premiere Staffing Houston, Texas
8/03 - 10/03	Staff Nurse	Memorial Hermann Hospital Southeast Houston, Texas
11/03 - 11/05	Unknown	
12/05 - 6/07	RN/Clinic Administrator	Valor Healthcare/Texas City VA Clinic Texas City, Texas
7/07 - present	Not employed in nursing	

5. On February 27, 2007, Petitioner was issued an Agreed Order which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the February 27, 2007, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On August 27, 2008, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the August 27, 2008, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
7. On or about October 28, 2010, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
8. Petitioner presented the following in support of her petition:
- 8.1. Letter of support, dated October 17, 2010, from Kenneth C. Baker, MD, Brenham, Texas, who states that he is Petitioner's older brother and is very familiar with the personal issues that led to her license surrender. Dr. Baker states that Petitioner ended up in a toxic, co-dependent relationship with someone who led her to a life of drugs and minor crime. Petitioner found herself at rock bottom and determined to recover. She reconciled with her family, regained custody of her son, and began the process of renewing her license. She even practiced successfully for some time as a nurse at the VA clinic. Petitioner is dedicated to her craft and to caring for her patients. While rehabilitation and recovery are always ongoing processes, Dr. Baker believes Petitioner is ready to return to full-time nursing.

- 8.2. Letter of support, dated October 10, 2010, from J.O. Whitley, Ph.D., Galveston, Texas, states he had the opportunity to work with Petitioner for over two (2) years. She worked as nurse administrator to a clinic under contract to the Veteran's Administration. It was a sizeable staff with between 3 to 5 providers. It was a difficult and stressful job. Petitioner handled the on the job stressors very well, including some inter-staff conflicts. She was a hard worker who was conscientious about getting her work done, and had a positive impact on the overall morale of the clinic. Petitioner has a great sense of humor and relates to people very well. During this time, Petitioner was also having problems with her son and was very concerned about him. Petitioner impressed Dr. Whitley with her willingness to tackle whatever problems she might come up against and to work very hard toward a successful resolution. Dr. Whitley feels Petitioner will be a valuable asset to her profession.
- 8.3. Letter of support, dated October 21, 2010, from Katie Gerace, LPN, Shreveport, Louisiana, states she first met Petitioner when she came to work as her nursing supervisor in December 2005 through Valor Healthcare. As a supervisor, Petitioner proved to be a knowledgeable nurse as well as a reliable manager. Petitioner was very organized, efficient, extremely competent, and had excellent rapport with both staff and clients. Her communication skills, both written and verbal, were excellent. She consistently delivered the highest quality patient care by using the nursing process, and also possessed critical thinking skills. Petitioner was caring, compassionate, conscientious, and professional at all times. She displayed great initiative, and was an effective team leader. Ms. Gerace recommends that Petitioner be given the opportunity to practice as a registered nurse again.
- 8.4. Letter of support, dated October 12, 2010, from Elizabeth Blankenship, PA-C, Cedar Park, Texas, states she met Petitioner about four (4) years ago when she was the clinical practice manager at the outpatient VA clinic. She not only supervised the inter-office workings, ordering supplies, and employees, but served as a triage nurse for walk-in patients. Petitioner has an excellent medical knowledge base. She is generous, giving, and helpful. There is no doubt that Petitioner put her patients and employees before herself. The patients were very appreciative of her help and kindness. She went above and beyond her job responsibilities on a daily basis. Petitioner works well independently and has good problem-solving abilities. She is organized and methodic in her work. She learns from her mistakes and always strives to improve herself. Ms. Blankenship highly recommends Petitioner for reinstatement of her nursing license.
- 8.5. Letter of support, dated October 19, 2010, from Joan Archer, M.Ed, LPC, Texas City, states she had the opportunity to work with Petitioner during the period of August 2009, to May 2010, while a member of her family was treated for depression. Petitioner was always available, appropriate, on time and helpful during her son's therapy. Petitioner has made every effort to make amends and re-establish her position as head of household. Her relationship with her children is appropriate and on-going.
- 8.6. Letter of support, dated October 22, 2010, from Lois Ann Haney Templeton, Broker/Owner, HomeTown Properties, Texas City, Texas, states Petitioner began working for them on June 2, 2010. She has been a wonderful addition to the group. Petitioner works with nine

Realtors, each with their own diverse personality. Petitioner is highly skilled, very motivated, and an excellent problem solver. Her dependability is to be commended, as she has not missed a single day in almost five (5) months. Ms. Templeton has entrusted the finances to Petitioner, handing over the checkbook and having her pay the bills. She is responsible for maintaining the account, including her own paycheck, and has proven to be trustworthy and reliable in that respect. Petitioner is very good at multi-tasking and has been a pleasure to work with. She is very family-oriented, and works hard to meet both the emotional and financial needs of her family. It was with great regret that they have had to let her go on October 29, 2010, due to the declining state of the economy and real estate market. Ms. Templeton has complete confidence that Petitioner will find her way, and sincerely hopes that the Board will give her the opportunity to once again join the nursing force.

- 8.7. Letter of support, dated October 12, 2010, from Robert and Anne Miller, LaMarque, Texas, states they are the pastor and pastor's wife of First Baptist Church, Texas City, Texas. Petitioner is one of their church members and have had the privilege of knowing her for two (2) years. Petitioner is an active member of the congregation. She attends worship services faithfully and is part of a women's Sunday School class. Petitioner desires to serve others, caring for them during the difficult time of illness in their lives.
- 8.8. Letter of support from Wanda Lou Baker, Texas City, Texas, states as Petitioner's mother, she realizes her children are human and capable of making both good and bad choices. Petitioner has always wanted to "fix things" and make them better. Her sole ambition was to be a nurse and help people. Unfortunately, she fell in love with a predator who led her to make some bad choices and to live to regret them. The only addiction she had was to the man, not drugs or alcohol, and she has lived an exemplary life correcting this. She held down a responsible job with the VA, she bought a home, and has been reinstated with her family, her friends, and her church. She has done everything possible to reinstate herself with the nursing board. Petitioner will be an asset to the nursing profession if she's given the chance.
- 8.9. Letter of support, dated October 17, 2010, from Jamie Sanford, states she is Petitioner's daughter, and can honestly say that there is no one in the world that knows her mother better than her. There is no one that was more affected by the choices she made in the past than her. Since she came back, Ms. Sanford has seen her take responsibility for her actions and work very hard to rebuild the trust that she destroyed. She has worked hard to prove to her family and the rest of the world that she is really sorry for what she did and that she is not "that" person. On June 15, 2007, Petitioner quit drinking alcohol and has not had a drop since. She reinstated her license and got a well paying job that she had to leave when she decided to voluntarily surrender her license. Ms. Sanford fully supported that decision due to the fact that she was asked to do intensive psychiatric outpatient treatment for bipolarism which they felt was irrelevant to her case since she has never been diagnosed by a physician as being bipolar. She just made some really bad choices during a trying time in her life. Her rehabilitation consisted, and still consists, of going to church and becoming closer to God. Ms. Sanford has no doubt that there is no risk of her repeating her mistakes.

- 8.10. Letter of support, dated October 19, 2010, from Dallas Webster, Texas City, Texas, states his mother gave up drinking on her own over three (3) years ago because she didn't like who she was when she drank. She gives up time in her life to help others. She messed up, but now she's back to the kind and compassionate, hardworking and dedicated person that she has always been. She was born to be a nurse. Her goal is to care for her family, to serve God, and to help others. She is an inspiration to all who know her, and a shining light to those in need. She has done a remarkable job of picking herself up. She made some terrible choices, but like every other human, she deserves a second chance.
- 8.11. Letter of support, dated October 19, 2010, from James L. Baker, Livingston, Texas, states he has known Petitioner all her life as her brother. Her desire to help make things better came from somewhere deep inside her. Her plans to become a nurse continued through high school. Not long after she graduated from nursing school, her husband was taken from her with a sudden heart attack. Situations occurred and decisions were made...decisions that would haunt her for years. The last four (4) years have been an awakening for her. Mr. Baker encourages the Board to look into her record as a nurse. She was a great one and can be again with the Board's support.
- 8.12. Letter of support, dated October 12, 2010, from Bruce Baker, Monroe, North Carolina, states he is proud of his sister and the person she has become. Somewhere along the way she made some serious mistakes, mistakes which eventually cost her dearly. She lost the trust of her family, the communication with her family, and eventually her own freedom. The things she did wrong never had anything to do with her job, her patients, or her work. It was all on a personal level. She has since realized the mistakes she made, and has gone way above and beyond in order to straighten her life back out. She has not only regained the love and trust of her family, which did not come easy, but she has regained her strength and confidence in herself. She has become very involved at her church, has a new job with a lot of responsibilities, and is everything and more as a person, friend, and co-worker than she was before all this.
- 8.13. Documentation of five (5) negative, random drug screens collected from August 23, 2010, through December 3, 2010.
- 8.14. Verification of successful completion of twenty (20) Continuing Education Contact Hours.
9. On March 9, 2011, Petitioner submitted to a forensic psychological evaluation conducted by Joyce M. Gayles, PhD. Dr. Gayles states the results of the evaluation suggest that Petitioner is able to consistently behave in accordance with the requirements of Board Rules §213.27 - 213.29, as well as meet the nursing standards set forth in Board Rule §217.11. Petitioner is able to consistently avoid behaviors identified as constituting unprofessional conduct in Rule §217.12. Dr. Gayles states Petitioner would benefit from psychotherapy to help her understand her vulnerability that allowed her to become involved and controlled by a drug addicted individual and engage in abuse of drugs and alcohol. Petitioner expresses a desire to understand herself and her patterns that led to such dysfunctional behaviors. Dr. Gayles recommends that Petitioner be seen in individual psychotherapy for a minimum of one (1) year. Also, monitoring by random drug screens would be appropriate during the first twelve (12) months.

10. Petitioner gives June 15, 2007, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of KELLY BAKER WEBSTER, Registered Nurse License Number 662646, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

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

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

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to KELLY BAKER WEBSTER, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL pay a monitoring fee in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. 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.

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not 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. PETITIONER 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 PETITIONER'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>

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATION PERIOD:

(4) PETITIONER SHALL notify each present employer in nursing of this Order of the Board and the stipulations on PETITIONER'S license. PETITIONER 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. PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license. PETITIONER 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.

(5) PETITIONER SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. 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 nurse.

(6) For the first year of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention.

PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a nurse.

(9) PETITIONER SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(11) 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 nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. 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 three (3) years of employment as a nurse.

(12) PETITIONER 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, PETITIONER 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 PETITIONER 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.**

(13) PETITIONER 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 stipulation 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 PETITIONER'S place of employment at any time during the stipulation period and require PETITIONER 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. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation 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 PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(14) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the PETITIONER'S stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

(15) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least:

the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by Petitioner. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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

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PETITIONER'S CERTIFICATION

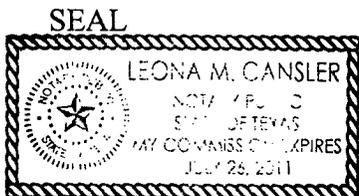
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 2 day of MAY, 2011.

Kelly Baker Webster
KELLY BAKER WEBSTER, Petitioner

Sworn to and subscribed before me this 3rd day of MAY, 2011.



Leona M. Cansler
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 3rd day of May, 20 11, by KELLY BAKER WEBSTER, Registered Nurse License Number 662646, and said Order is final.

Effective this 14th day of June, 20 11.


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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 662646 §
issued to KELLY BAKER WEBSTER §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 662646, issued to KELLY BAKER WEBSTER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Galveston College, Galveston, Texas, on May 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on July 20, 1999.
4. Respondent's professional nursing employment history includes:

July 1999 - August 1999

Unknown

September 1999 - May 2001

RN
Mainland Medical Center
Texas City, Texas

Respondent's professional nursing employment history continued:

June 2001 - January 2002	Unknown
February 2002 - June 2003	RN Coastal Staffing Agency Lake Jackson, Texas
June 2003 - August 2003	RN Premiere Staffing Houston, Texas
August 2003 - October 2003	RN Memorial Hermann Hospital Southeast Houston, Texas
November 2003 - November 2005	Unknown
December 2005 - Present	RN/Clinic Administrator Valor Healthcare Texas City, Texas

5. On February 27, 2007, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated February 27, 2007, is attached and incorporated, by reference, as part of this Order.
6. In a letter dated August 30, 2007, Respondent was notified by the Board of the following alleged violation of the Nursing Practice Act of the State of Texas:

On or about July 26, 2007, Respondent became non-compliant with the Agreed Order issued to her by the Board of Nurse Examiners for the State of Texas on February 27, 2007. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract in that she withdrew from TPAPN and stated her intention to surrender her license to practice professional nursing. Stipulation number three (3) of the Agreed Order dated February 27, 2007, states:

"(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term."

7. On August 19, 2008, Respondent returned License Number 662646 and submitted a statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of the statement is attached and incorporated, by reference, as part of this Order.
8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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)(1) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

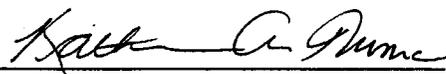
NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 662646, heretofore issued to KELLY BAKER WEBSTER, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 27th day of August, 2008.

TEXAS BOARD OF NURSING

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 662646 § AGREED
issued to KELLY BAKER WEBSTER § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of KELLY BAKER WEBSTER, Registered Nurse License Number 662646, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2), (3), (9) & (10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 19, 2007, by Katherine A. Thomas, MN, RN, Executive Director.

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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Galveston College, Galveston, Texas, on May 1, 1999. Respondent originally became licensed to practice professional nursing in the State of Texas on July 20, 1999.
5. Respondent's professional nursing employment history includes:

July 1999 - August 1999

Unknown

Respondent's professional nursing employment history continued:

September 1999 - May 2001	RN Mainland Medical Center Texas City, Texas
June 2001 - January 2002	Unknown
February 2002 - June 2003	RN Coastal Staffing Agency Lake Jackson, Texas
June 2003 - August 2003	RN Premiere Staffing Houston, Texas
August 2003 - October 2003	RN Memorial Hermann Hospital Southeast Houston, Texas
November 2003 - November 2005	Unknown
December 2005 - Present	RN/Clinic Administrator Valor Healthcare Texas City, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Coastal Staffing Agency, Lake Jackson, Texas, and had been in this position for one (1) month.
7. On or about February 12, 2002, Respondent plead nolo contendere and was convicted of the offense of "Driving While Intoxicated," a Class B Misdemeanor, in the Galveston County Court at Law No. 3, Galveston, Texas, Cause Number 209688. Respondent was sentenced to confinement in the Galveston County Jail for a period of six (6) months, and assessed a fine and court costs in the total amount of five hundred ten dollars and twenty-five cents (\$510.25). The imposition of the confinement portion of the sentence was suspended, and Respondent was placed on community supervision for a period of twelve (12) months. On March 12, 2003, Respondent was discharged from community supervision.
8. On or about September 9, 2002, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

Since issuance or last renewal, have you plead guilty (including no contest plea), been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation? (Note: DWI or DUI, including first offenses, are not considered minor traffic violations.)

On or about February 12, 2002, Respondent plead nolo contendere and was convicted for the offense of "Driving While Intoxicated," a Class B Misdemeanor, in the Galveston County Court at Law No. 3, Galveston, Texas, Cause Number 209688.

9. On or about August 21, 2003, Respondent submitted an application for employment with Memorial Hermann Healthcare System, Houston, Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

Have you ever been convicted of, or been on probation for, or deferred adjudication for, or are you awaiting trial for, or on probation for, or deferred adjudication for any felony or misdemeanor?

On or about February 12, 2002, Respondent plead nolo contendere and was convicted for the offense of "Driving While Intoxicated," a Class B Misdemeanor, in the Galveston County Court at Law No. 3, Galveston, Texas, Cause Number 209688.

10. On or about August 2003 through September 2003, while employed with Memorial Hermann Hospital Southeast, Houston, Texas, Respondent misappropriated Vicodin belonging to the facility and its patients thereof in that Respondent admitted to the misappropriation for her own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
11. On or about August 2003 through September 2003, while employed with Memorial Hermann Hospital Southeast, Houston, Texas, Respondent engaged in the intemperate use of Vicodin in that she admitted that she used Vicodin without a valid prescription. Possession of Vicodin is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Vicodin by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
12. On or about January 20, 2004, Respondent plead guilty and was convicted of the offense of "Theft Property \$50 - \$500," a Class B Misdemeanor, in the Harris County Court at Law No. 5, Houston, Texas, Cause Number 1214698. Respondent was sentenced to confinement for a period of ten (10) days in the Harris County Jail, and ordered to pay court costs in the amount of two hundred one dollars (\$201.00).

13. On or about July 30, 2004, Respondent plead guilty and was convicted of the offense of "Theft," a Class B Misdemeanor, in the Harris County Court at Law No. 12, Houston, Texas, Cause Number 1250119. Respondent was sentenced to confinement for a period of twenty (20) days in the Harris County Jail, and ordered to pay court costs in the amount of two hundred one dollars (\$201.00).
14. On or about May 13, 2005, Respondent plead guilty and was convicted of the offense of "Theft \$50 - \$500," a Class B Misdemeanor, in the Harris County Court at Law No. 9, Houston, Texas, Cause Number 1302580. Respondent was sentenced to confinement for a period of one hundred (100) days in the Harris County Jail, and ordered to pay court costs in the amount of two hundred one dollars (\$201.00).
15. On or about July 2006, while employed with Valor Healthcare, Texas City, Texas, Respondent engaged in the intemperate use of Vicodin in that she admitted that she used Vicodin without a valid prescription. Possession of Vicodin is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Vicodin by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
16. On July 27, 2006, Respondent submitted to a forensic psychological evaluation with a chemical dependency component administered by Rion N. Hart, Ph.D. On October 6, 2006, a polygraph examination was administered to Respondent by Morris Covin, Licensed Polygraph Examiner. Respondent was seen by Dr. Hart for a follow-up appointment on October 31, 2006. Incorporating the results of the polygraph exam which yielded a finding that Respondent "did tell substantially the truth," Dr. Hart offers the following conclusions and recommendations.

It appears that she has been stable, sober and functioning adequately since the Fall of 2005 and is currently employed as the administrator of a VA Clinic where no controlled substances are kept. The test results yielded no indicators of significant psychological disturbance or impairment. While for the last year she has appeared to demonstrate the ability to consistently behave in accordance with the requirements of Rules 213.27 - 213.19 and 217.11, as well as consistently avoid unprofessional conduct as stipulated in 217.12, confidence that she could continue to do so without more comprehensively addressing her problems is limited. Although she is currently being prescribed Zoloft by a family member, the testing indicates a level of agitation and impulsivity that could reflect a Bipolar Disorder. This needs to be further assessed and treated by a psychiatrist. She also has not been involved in any formal recovery or addiction program, without which

the likelihood of relapse is increased. It is recommended that she be placed in the treatment of a psychiatrist for at least several years, be monitored at work and be engaged in a recovery program. Compliance with these, at a minimum, would be necessary to have confidence that she could continue to behave in accordance with Board Rules.

17. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
18. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
19. Respondent's conduct described in Findings of Fact Numbers Seven (7), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15) resulted from Respondent's dependency on chemicals.
20. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(2), (3), (9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.12(1), (19), (22) & (23) and 217.12(10)(A) & (13)(effective September 28, 2004).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 662646, heretofore issued to KELLY BAKER WEBSTER, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

(5) 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 Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional 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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

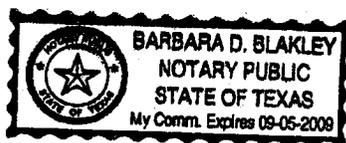
Signed this 20 day of February 2007.

Kelly Baker Webster
KELLY BAKER WEBSTER, Respondent

Sworn to and subscribed before me this 20th day of February, 2007.

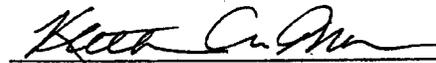
SEAL

Barbara D Blakley
Notary Public in and for the State of 9-5-2009



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 20th day of February, 2007, by KELLY BAKER WEBSTER, Registered Nurse License Number 662646, and said Order is final.

Entered and effective this 27th day of February, 2007.



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