

Respondent's professional employment history continued:

12/02-6/03	RN	North Central Baptist Hospital San Antonio, Texas
7/03	Unknown	
8/03-3/08	RN	Southwest General Hospital San Antonio, Texas
4/08-6/08	RN	Favorite Nurses HealthCare Services San Antonio, Texas
7/08-Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed with Southwest General Hospital, San Antonio, Texas and had been in this position for approximately four (4) years and six (6) months.
7. On or about February 18, 2008, through February 29, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Lortab, Demerol, Xanax, Vicodin, and Hydrocodone from the Pyxis Medication Dispensing System for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs) and/or Nurses Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
8. On or about February 18, 2008, through February 29, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Lortab, Demerol, Xanax, Vicodin, and Hydrocodone from the Pyxis Medication Dispensing System for patients, but failed to follow the policy and procedure for the wastage of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
9. On or about February 18, 2008, through February 29, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Lortab, Demerol, Xanax, Vicodin, and Hydrocodone from the Pyxis Medication Dispensing System for patients without a physician's order. Respondent's conduct was likely to injure the patients in that the administration of Lortab, Demerol, Xanax, Vicodin, and Hydrocodone without a valid physician's order could result in the patient suffering from adverse reactions.
10. On or about February 18, 2008, through February 29, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Lortab, Demerol, Xanax, Vicodin, and Hydrocodone belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

11. In response to Findings of Fact Number Seven (7), Eight (8), Nine (9) and Ten (10), Respondent states all of the allegations from Southwest General Hospital are true. Respondent states she never denied her patients any medication and all the medications were for self use.
12. On or about June 25, 2008, while employed with Favorite Nurses HealthCare Services, San Antonio, Texas and working at Select Specialty Hospital, San Antonio, Texas and Foundation Hospital, San Antonio, Texas, Respondent admitted to misappropriating Morphine, Demerol, Alprazolam, Clonidine tabs and Phenergen that belonged to the facilities and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
13. On or about July 29, 2008, Respondent plead "Nolo Contendere" to "Obtaining Drugs by Fraud-Sch III" (a 3rd Degree Felony Offense committed on January 18, 2008), in the 379th District Court, Bexar County, Texas, Cause No. 2008CR5145. As a result of the plea, Respondent's adjudication of guilt was deferred and Respondent was placed on five (5) years Community Supervision and ordered to pay a fine and court costs.
14. In response to Findings of Fact Number Twelve (12) and Thirteen (13), Respondent states she was arrested on June 25th for prescription fraud and possession. Respondent states she tried to detox and get off everything on her own but was unable. Respondent went to the Patricia Movement for detox and then to the residential program. Respondent explains on July 29, 2008, she appeared in court on four charges filed against her. Respondent states they plea bargained and the three lesser charges were dropped and she was given Deferred Adjudication and was placed on probation for 5 years and given over \$5000 in fines and 240 hours community service.
15. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
16. 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.
17. 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)(3),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) & §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(C),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 562293, heretofore issued to KELLY LYNN BEJSTER, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 562293, heretofore issued to KELLY LYNN BEJSTER, to practice nursing in the State of Texas, is accepted by 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 "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 privilege, if any, to practice nursing in the State of Texas.

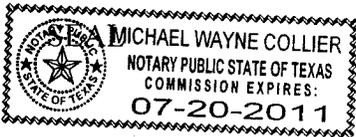
RESPONDENT'S CERTIFICATION

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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 28TH day of DECEMBER, 2009.

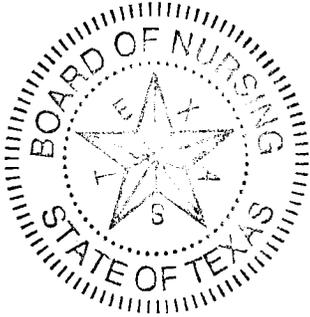
Kelly Lynn Bejster
KELLY LYNN BEJSTER, Respondent

Sworn to and subscribed before me this 28TH day of DECEMBER, 2009.



[Signature]
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 562293, previously issued to KELLY LYNN BEJSTER.



Effective this 30th day of December, 2009.


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