



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

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In the Matter of Vocational Nurse License Number 107340 § AGREED  
issued to KIMBERLY JO ROSE HOUGH § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the B accepted the voluntary surrender of Vocational Nurse License Number 107340, issued to KIMBERLY JO ROSE HOUGH, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

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

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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's license to practice vocational nursing in the State of Texas is in delinquent status at the time of this pleading.
4. Respondent received a Certificate in Vocational Nursing from Del Rio Vocational School, Del Rio, Texas on August 24, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984.
5. Respondent's vocational nursing employment history includes:
 

12/1984 - 1987	LVN	Menard Hospital and Emergency Room Menard, Texas
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Respondent's vocational nursing employment history continued:

1987 - 1989	LVN	Mason Emergency Room And Clinic Mason, Texas
03/1988 - 05/2002	LVN	Menard Independent School District Menard, Texas
1998 - 2004	LVN	Concho Health and Rehabilitation Eden, Texas
2004 - 11/2005	Employment history unknown.	
12/2005 - 07/2006	LVN	Cedar Manor Nursing Home San Angelo, Texas
07/2006 - 09/2006	LVN	Concho Health and Rehabilitation Eden, Texas
09/2006 - 04/2007	Employment history unknown.	
04/2007 - 04/2007	LVN	Cedar Manor Nursing Home San Angelo, Texas
05/2007 - Present	Employment history unknown.	

6. At the time of the initial incident, Respondent was employed as a Vocational Nurse with Concho Health and Rehabilitation, and has been in this position for two (2) months.
7. On or about May 3, 2003, Respondent accepted Pre-Trial Diversion for the offense, "Driving While Intoxicated," a Class B Misdemeanor in Val Verde County, Texas. On January 3, 2005, the charge of "Driving While Intoxicated" was dismissed without prejudice, citing the reasoning; Respondent successfully completed the Pre-Trial Diversion.
8. In response to Finding of Fact Number Seven (7), Respondent states: "I was stopped and had not drank anything (I don't drink). I was very upset and crying because I had just been served divorce papers. I did not blow into the machine. My ex-husband was the Sheriff and always told me not to blow. I did not know that if you don't blow they put you in jail. My attorney said not to worry, it would not be on my record. A deal was cut with the DA without any of my input. Pre-trial diversion is what I got."

9. On or about September 2, 2006, while employed with Concho Health and Rehabilitation, Eden, Texas, Respondent misappropriated Darvocet-N 100 and Advil belonging to the facility and Patient J.S. Respondent's conduct was likely to defraud the facility and patient of the cost of medications.
10. In response to Finding of Fact Number Nine (9), Respondent states: "The medication in question was given to the Resident by me due to the extreme pain she was in. The pain got worse so I sent her to the hospital. I was later told that she had a stress fracture to her tibia or fibula. The next day I was told that her family was furious because I gave her Darvocet for pain. I explained to the DON that there was an order for Darvocet so I gave it. I guess to calm the family down the DON told them she didn't get it, that I took it. I was asked to do a UA, which I did. I had nothing to hide. The DON called me and told me that it was positive. I told her that I did not believe it and that I wanted to see my file. She would not let me. A few months later two men came to interview me. I don't know who they were. They asked several questions, including if I took that pill. They pushed two papers towards me and said to initial and that this would be finished. I told them that I did not have my glasses and needed them to see. They told me that they would tell me where to initial and where to sign. So they did and I signed. I also asked if I could see what they were basing their evidence on and they showed me where I had a trace. I told them that it could not be that I am allergic to Darvocet. I thought that was the end of it. Two weeks later due to the mishandling of my ordeal, that DON was fired."
11. On or about September 2, 2006, while employed with Concho Health and Rehabilitation, Eden, Texas, Respondent engaged in the intemperate use of Darvocet-N 100 (Propoxyphene) in that she submitted a specimen for a drug screen which resulted positive for Propoxyphene. Possession of Propoxyphene, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Propoxyphene by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
12. In response to Finding of Fact Number Eleven (11), Respondent states: "I did exactly what my court appointed attorney said to do. I told him that I wanted a bench trial because I did not take that pill. He said to let him handle this. I never got a chance to speak. Mentally I had no idea what was happening. Four days before court we had buried my brother who had shot himself. I asked my attorney if we could postpone so that I could at least understand what was happening. He again said no and told me to sign where he told me and I would be fine. Well, I was not fine. I had to pay fines, do community service and be on probation for two years. All for something that I did not do."

13. On or about April 2007, while employed with Cedar Manor Nursing Home, San Angelo, Texas, Respondent lacked fitness to practice vocational nursing in that while on duty she exhibited impaired behavior, including but not limited to: slurred speech, unsteady gait, and spilling medications. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.
14. In response to Finding of Fact Number Thirteen (13), Respondent states: " While working at Cedar Manor I would work 16 back to back. I was on my last eight hours with about five or six to go. Yes my gait was slower, every now and again I would stumble, my speech was not slurred, I did pour some cough syrup and spilt it when I bumped it with my elbow. The other nurse was on her way out, she had already received notice that she was going to be fired due to medication mistakes. She thought that I was so impaired that she called the on-call nurse, who came and wanted me to leave. I told her that I would because I was pretty tired. I wanted someone to count my narcotics with me. She refused and I told her that I couldn't leave without the count being correct. She called the police and I was escorted out. The next day I talked to my administrator about the situation. She fired the nurse that was on-call and let the other nurse go earlier than planned. I kept my job without consequence."
15. On or about July 3, 2007, Respondent submitted a Texas Online Renewal Document, Registered Nurse, to the Board of Nurse Examiners for the State of Texas, in which you provided false, deceptive, and/or misleading information, in that you answered "No" to the following question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilt. Please note that DUIs, DWIs, and PIs must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or Minor in Consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes." You may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form."

Respondent failed to disclose the May 3, 2003 charge and acceptance of Pre-Trial Diversion for Driving While Intoxicated in Val Verde County, Texas. Respondent's conduct was likely to deceived the Board and could have affected the decision to issue a license.

16. In response to Finding of Fact Number Fifteen (15), Respondent states: "Yes I did community service and granted pre-trial diversion/deferred adjudication. I'm not sure which one. I do know that I see a probation officer once a month and I am still paying fines. I will be through this December."
17. On or about January 31, 2008, Respondent accepted pre-trial diversion criminal adjudication, for the state jail felony offense, "Possession of a Controlled Substance," in the 119th Judicial District Court of Concho County, Texas, under cause number DDP-07-01646.
18. On or about May 2008, Respondent defaulted on her Guaranteed Student Loans, as provided in Section 57.491 of the Texas Education Code. Respondent's failure to repay her Texas Guaranteed Student Loan may have deprived other applicants of funds for nursing school loans.
19. In response to Finding of Fact Number Eighteen (18), Respondent states: "I have not kept up with my student loan. I have a few small amounts. I am guilty on that account."
20. Formal Charges were filed on April 6, 2009.
21. Formal Charges were mailed to Respondent on April 7, 2009.
22. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
23. 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.
24. 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 violations of Section 301.452(b)(2),(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12 (1)(A),(E),(4),(5),(6)(G),(H),(I),(7),(8),(10)(A),(D),(E),(11)(B)&(13).
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 156004, heretofore issued to KIMBERLY JO ROSE HOUGH, including revocation of Respondent's license to practice vocational 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 License Number 107340, heretofore issued to KIMBERLEY JO ROSE HOUGH, 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 immediately deliver the wallet-sized license, heretofore issued to KIMBERLY JO ROSE HOUGH, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

3. 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.
4. 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.

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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 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.

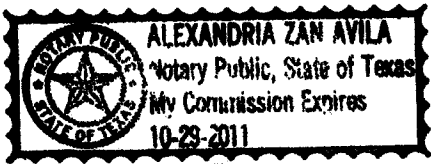
Signed this 3 day of Sept, 2009.

Kimberly Jo Rose  
KIMBERLY JO ROSE ~~HOUGH~~, Respondent

Sworn to and subscribed before me this 3 day of Sept, 2009.

SEAL

Alexandria Zan Avila  
Notary Public in and for the State of TX





WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 107340, previously issued to KIMBERLY JO ROSE HOUGH.



Effective this 4th day of September, 2009.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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