

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse § AGREED  
License Number 642105 §  
issued to KAREN L. BORICH § ORDER



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

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that KAREN L. BORICH, Registered Nurse License Number 642105, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(2) & (10), Texas Occupations Code.

An informal conference was held on June 30, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Denise Benbow, MSN, RN, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Paul Longoria, Investigator.

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, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent met BSN requirements en route to MSN on May 17, 1997. Respondent was licensed to practice professional nursing in the State of Texas on June 30, 1997. Respondent received a Masters Degree in Nursing from the University of Texas, Austin, Texas on May 7, 1999. Respondent was authorized to practice as a Pediatric Nurse Practitioner by the Board of Nurse Examiners for the State of Texas on August 24, 1999. Respondent was granted prescriptive authority by the Board of Nurse Examiners for the State of Texas on October 12, 1999.

5. Respondent's professional nursing employment history includes:

1997 - 1999	RN	Children's Hospital of Austin Austin, Texas
1999 - 2001	RN	Pediatric Professionals South Austin, Texas
2001 - 2008	Not employed in nursing	
2009 - Present	RN Instructor	University of Texas at Austin Austin, Texas

6. On or about March 8, 2004, Respondent submitted an online 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 "yes" to the following statement:

"I acknowledge this electronic document is a legal document and I attest that I understand & meet all the requirements to practice for the type of the renewal requested, as listed in 22 Texas Administrative Code, §§216 (CE). Further, I understand that it is a violation of the 22 Texas Administrative Code, §§217.12(22) and the Penal Code, Sec 37.10, to submit a false statement to a government agency. APNs must also meet all requirements listed in 221.8 (APN); and 222.3 (LPA)."

Respondent failed to meet the requirements to maintain active advanced practice authorization in that she did not have the required four hundred (400) hours of current practice within the preceding biennium.

7. On or about April 5, 2006, Respondent submitted an online 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 "yes" to the following statement:

"I acknowledge this electronic document is a legal document and I attest that I understand & meet all the requirements to practice for the type of the renewal requested, as listed in 22

Texas Administrative Code, §§216 (CE). Further, I understand that it is a violation of the 22 Texas Administrative Code, §§217.12(6)(H) and the Penal Code, Sec 37.10, to submit a false statement to a government agency. APNs must also meet all requirements listed in 221.8 (APN); and 222.3 (LPA)."

Respondent failed to meet the requirements to maintain active advanced practice authorization in that she did not have the required four hundred (400) hours of current practice within the preceding biennium.

8. On or about April 15, 2008, Respondent submitted an online renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "yes" to the following statement:

"I acknowledge this electronic document is a legal document. I attest that no one else may submit this form on my behalf and that I am accountable and responsible for the accuracy of any answer or statement on this form. I attest that I meet all the requirements to practice for the type of the renewal requested, as listed in 22 Texas Administrative Code, Ch. 216 (CE). Further, I understand that it is a violation of the 22 Texas Administrative Code, §§217.12(6)(I) and the Penal Code, Sec 37.10, to submit a false statement to a governmental agency. APNs must also meet all requirements listed in 221.8 (APN); and 222.3 (LPA)."

Respondent failed to meet the requirements to maintain active advanced practice authorization in that she did not have the required four hundred (400) hours of current practice within the preceding biennium.

9. In her self-report to the Board, regarding the conduct outlined in Findings of Fact Numbers Six (6) through Eight (8), Respondent states that she has not worked as an APN since 2001, but did not realize she was not able to keep her APN licensure by simply fulfilling the CE requirements, as is the case with the RN license, as well as her certification as a pediatric nurse practitioner. She states that it was an oversight on her part in misunderstanding the renewal requirements when she was renewing licensure and sending in her payment. She renewed her RN and APN together and she just wrote one check without removing the APN component as she should have. She became aware of the issue after starting her employment as an instructor at the UT School of Nursing. Her affiliation with these nursing professionals made her aware that she does need to have the 400 practice hours per 24 calendar months in order to qualify for renewal. Furthermore, she realizes that if she would like to utilize her APN license in the future, that she must undergo the 400 supervised practice hours in order to successfully renew. Respondent states that there was never a time that she practiced as an APN without these required 400 hours, so there was never any violation of licensure. She adds that she is currently in the process of accruing her 400 supervised hours with a Certified Pediatric Nurse Practitioner, and expects to complete these by the end of July or early August, at which time she will supply the required paperwork and apply for APN status again.

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) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.12(6)(I), and 221.8(a)(2).
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 642105, heretofore issued to KAREN L. BORICH, including revocation of Respondent's license to practice professional 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 REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, 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.

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 seven hundred fifty dollars (\$750.00). 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, 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 when this Order becomes final and the terms of this Order become effective, 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 9 day of July, 2009.

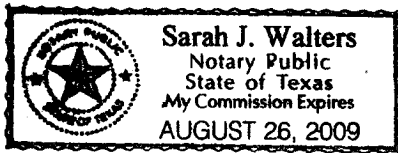
Karen Borich  
KAREN L. BORICH, RESPONDENT

Sworn to and subscribed before me this 9 day of July, 2009.

SEAL

Sarah J. Walters

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 ratify and adopt the Agreed Order that was signed on the 9th day of July, 2009, by KAREN L. BORICH, Registered Nurse License Number 642105, and said Order is final.

Effective this 14th day of July, 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