

5. Respondent's vocational nursing employment history includes:

1994 - 1996	Staff Nurse/Nursery	Knapp Medical Center Weslaco, Texas
1996 - 1997	Field Nurse	Rio Home Health Services Weslaco, Texas
1997 - 1999	Patient Care Coordinator	New Life Home Health Services Donna, Texas
1999 - 2006	Program Director	Rehab Care Group, Inc. St. Louis, Missouri
2007 - 02/07	Administrator	Mid Valley Outpatient Weslaco, Texas
02/07 - 02/08	LVN/QA	Balli Home Health, Inc. Weslaco, Texas
03/08 - Present	LVN/QA	Doctors Care Home Health McAllen, Texas

6. At the time of the initial incident, Respondent was employed as a Program Director with Rehab Care Group, Inc., St. Louis, Missouri, and had been in this position for seven (7) years.
7. On or about January 2005, through August 27, 2006, while employed with Rehab Care Group, Inc., St. Louis, Missouri, and on assignment at Baptist Health System, Harlingen, Texas, Respondent practiced nursing without a valid license. Respondent's license to practice vocational nursing was delinquent from July 1, 2003 until she reactivated the license on October 3, 2006. Respondent's conduct was likely to deceive Rehab Care Group, Inc. and Baptist Health System and could have affected their decision to continue her employment.
8. On or about January 2005, through October 2006, while employed with Rehab Care Group, Inc., St. Louis, Missouri, and on assignment at Baptist Health System, Harlingen, Texas, Respondent held herself out as a registered nurse and signed a document that identified her as Lori Kennedy, RN, Program Director. Respondent's conduct exposed patients unnecessarily to a risk of harm from improper interventions by Respondent who did not possess the training and certifications she represented.

9. On or about January 2005, through August 27, 2006, while employed with Rehab Care Group, Inc., St. Louis, Missouri, and on assignment at Baptist Health System, Harlingen, Texas, Respondent held herself out as a Certified Rehabilitation Registered Nurse (CRRN). Respondent's conduct exposed patients unnecessarily to a risk of harm from improper interventions by Respondent who did not possess the certification she represented.
10. In response to the allegations, Respondent states that she was employed with Rehab Care Group for eight (8) years as Program Director. Her responsibilities included the operation of a rehabilitation program. When she was assigned to Valley Baptist she never provided patient care, she reviewed patient information to determine if the patient met the qualifications for an inpatient rehabilitation admission. The pre-screen forms are signed by the person filling out the form, the program director, and the medical director. The position of Program Director did not require a license and most of the program directors came from different backgrounds such as social work, therapist, and business administration. The document she signed that had RN after her name was not prepared by her, it was brought to her for signature and she did not notice the RN after her name. In the past if someone put incorrect credentials after her name she would send the document back and have it corrected. Respondent denies holding herself out as a CRRN.

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 Sections 301.451 and 301.452 (b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(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 149132, heretofore issued to MICHELE LORENE KENNEDY, including revocation of Respondent's license to practice nursing in the State of Texas.

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ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING 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 MICHELE LORENE KENNEDY, to the office of the Texas Board of Nursing within ten (10) days of the date 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 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) contact 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 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 A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. RESPONDENT MAY BE EMPLOYED WITH DOCTORS CARE HOME HEALTH, MCALLEN, TEXAS. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF

**EMPLOYMENT THAT DO NOT REQUIRE A VOCATIONAL NURSE (LVN) LICENSE
WILL NOT APPLY TO THIS STIPULATION PERIOD.**

(4) 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.

(5) 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.

(6) For the duration of the stipulation period, 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. **RESPONDENT is exempt from this Stipulation while employed with Doctors Care Home Health, McAllen, Texas. Should RESPONDENT'S employment with Doctors Care Home Health cease, this Stipulation will have full force and effect.**

(7) 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 one (1) year 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.

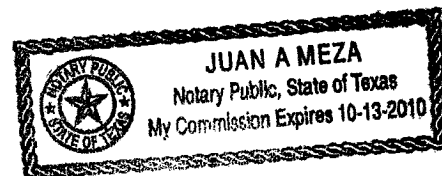
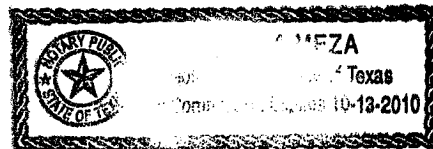
Signed this 24th day of March, 2009.

Michele Lorene Kennedy
MICHELE LORENE KENNEDY, Respondent

Sworn to and subscribed before me this 24th day of March, 2009.

SEAL

Juan A Meza
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 24th day of March, 2009, by MICHELE LORENE KENNEDY, Vocational Nurse License Number 149132, and said Order is final.

Effective this 12th day of May, 2009.



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