



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 A. Roman
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 196238 issued to §
KIMBERLY CLARK SAENZ § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board accepted the voluntary surrender of Vocational Nurse License Number 196238, issued to KIMBERLY CLARK SAENZ, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived informal conference 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 notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license practice vocational nursing in the State of Texas which is in Suspended status.
4. Respondent received a Certificate in Vocational Nursing from Angelina College, Lufkin, Texas, on August 5, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on November 2, 2004.
5. Respondent's vocational nursing employment history includes:

12/04 - 5/05	Licensed Vocational Nurse	Memorial Medical Center Lufkin, Texas
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Respondent's vocational nursing employment history continued:

6/05 - 8/05	Licensed Vocational Nurse	Woodland Heights Medical Center Lufkin, Texas
8/05 - 4/08	License Vocational Nurse	DaVita Dialysis Center Lufkin, Texas
5/08 - present	Unknown	

6. On May 14, 2008, Respondent was issued an Order of Temporary Suspension by the Texas Board of Nursing, suspending her license to practice vocational nursing in the State of Texas. A copy of the May 14, 2008, Order of Temporary Suspension, is attached and incorporated, by reference, as part of this Order.
7. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as an Licensed Vocational Nurse with Woodland Heights Medical Center, Lufkin, Texas, and had been in this position for two (2) months.
8. On or about August 5, 2005, while employed as a Licensed Vocational Nurse with Woodland Heights Medical Center, Lufkin, Texas, Respondent misappropriated Demerol from the facility and its patients. Respondent's conduct defrauded the facility and its patients of the cost of the medication.
9. At the time of the incidents in Findings of Fact Numbers Ten (10) and Eleven (11), Respondent was employed as a Licensed Vocational Nurse with DaVita Dialysis Center, Lufkin, Texas, and had been in this position eight (8) months.
10. On October 31, 2008, patient LH testified by deposition that on or about April 28, 2008, Respondent, while working at DaVita Dialysis of Lufkin, Texas, filled syringes with a solution from a container used to mix bleach and sterilize the dialysis equipment after each patients' use and inject this solution into the intravenous port of Patient CR, who was undergoing dialysis; and as a result of Respondent's conduct Patient CR began to experience adverse reactions. The medical record for CR indicated that CR experienced symptoms of chest and abdominal pains, and continual bleeding from the arterial site. Respondent's conduct was likely to injure Patient CR in that the administration of bleach intravenously, could result in the patient experiencing serious adverse reactions, up to and including death.

11. On October 31, 2008, patient LH testified by deposition that on or about April 28, 2008, Respondent, while working at DaVita Dialysis of Lufkin, Texas, filled syringes with a solution from a container used to mix bleach and sterilize the dialysis equipment after each patients' use and inject this solution into the intravenous port of Patient MR, who was undergoing dialysis; and as a result of Respondent's conduct Patient MR began to experience adverse reactions. On December 8, 2008, patient LJH testified by deposition that on April 28, 2008, she too observed Respondent fill a syringe with a solution from a container used to mix bleach and inject this solution into the intravenous port of Patient MR. The medical records of MR indicate that MR experienced decreased venous pressure, elevated blood pressure and stated complaints of not feeling well. Respondent's conduct was likely to injure Patient CR in that the administration of bleach intravenously, could result in the patient experiencing serious adverse reactions, up to and including death.
12. Formal Charges were filed and mailed to Respondent on February 5, 2008.
13. First Amended Formal Charges were filed and mailed to Respondent on May 15, 2008.

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)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A) and 22 TEX. ADMIN. CODE §217.12(6)(C), (G), (8), & (10)(E).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 196238, heretofore issued to KIMBERLY CLARK SAENZ, 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 Vocational License Number 196238, heretofore issued to KIMBERLY CLARK SAENZ, 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 CLARK SAENZ, 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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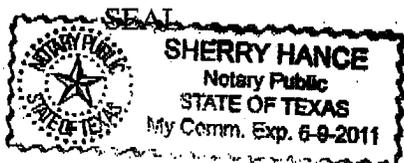
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the entry of this 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 12 day of Jan., 2009.

Kimberly Clark Saenz
KIMBERLY CLARK SAENZ, Respondent

Sworn to and subscribed before me this 12 day of Jan, 2009.



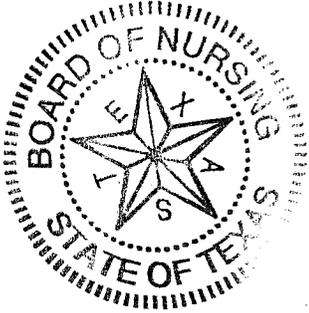
Sherry Hance
Notary Public in and for the State of TX

Approved as to form and substance.

Scott Tatum
SCOTT TATUM, Attorney for Respondent

Signed this 12 day of Jan., 2009.

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 196238, previously issued to KIMBERLY CLARK SAENZ.



Effective this 12th day of January, 2009.


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

In the Matter of Vocational Nurse § **BEFORE THE TEXAS**
License Number 196238, Issued to §
KIMBERLY CLARK SAENZ, Respondent § **BOARD OF NURSING**

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KIMBERLY CLARK SAENZ, is a Vocational Nurse holding license number 196238, which is in Current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about August 5, 2005, while employed as a Licensed Vocational Nurse with Woodland Heights Medical Center, Lufkin, Texas, Respondent misappropriated Demerol from the facility and its patients. Respondent's conduct defrauded the facility and its patients of the cost of the medication.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A), and 22 TEX. ADMIN. CODE §217.12(6)(G), (8), & (10)(E).

CHARGE II.

On or about April 28, 2008, while employed with DaVita Dialysis Lufkin, Lufkin, Texas, Respondent filled syringes with bleach from a container used to sterilize the dialysis equipment after each patients' use and injected this solution into the intravenous (IV) port of Patient CR, who was undergoing dialysis. As a result of Respondent's conduct, Patient CR began to experience adverse reactions which included symptoms of chest and abdominal pains, and continual bleeding from the arterial site. Respondent's conduct was likely to injure Patient CR in that the administration of bleach intravenously, could result in the patient experiencing serious adverse reactions, up to and including death.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(C).

CHARGE III.

On or about April 28, 2008, while employed with DaVita Dialysis Lufkin, Lufkin, Texas, Respondent filled syringes with bleach from a container used to sterilize the dialysis equipment after each patients' use and injected this solution into the intravenous port of Patient MR, who was undergoing dialysis. As a result of Respondent's conduct, Patient MR began to experience adverse reactions including symptoms which included decreased venous pressure, elevated blood pressure and complaints of not feeling well. Respondent's conduct was likely to injure Patient CR in that the administration of bleach intravenously, could result in the patient experiencing serious adverse reactions, up to and including death.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(C).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

Filed this 14th day of May, 2008.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

State Bar No. 10838300

Victoria Cox, Assistant General Counsel

State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel

State Bar No. 18874600

TEXAS BOARD OF NURSING

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In the Matter of Permanent License § **BEFORE THE BOARD**
Number 196238, Issued to § **OF NURSING**
KIMBERLY CLARK SAENZ, Respondent § **FOR THE STATE OF TEXAS**

ORDER OF TEMPORARY SUSPENSION

TO: Kimberly Clark Saenz
2203 Green Sanders Road
Pollock, Texas 75969

A public meeting was held on May 14, 2008, of the Texas Board of Nursing (BON), at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Certificate No. 196238, issued to KIMBERLY CLARK SAENZ was considered pursuant to Section 301.455, Texas Occupations Code. Staff of the Texas Board of Nursing appeared and presented information and evidence concerning the conduct of KIMBERLY CLARK SAENZ and whether her continued practice as a vocational nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented and the questions, the Board finds that the following charges are substantiated:

CHARGE I.

On or about August 5, 2005, while employed as a Licensed Vocational Nurse with Woodland Heights Medical Center, Lufkin, Texas, Respondent misappropriated Demerol from the facility and its patients. Respondent's conduct defrauded the facility and its patients of the cost of the medication.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A), and 22 TEX. ADMIN. CODE §217.12(6)(G), (8), & (10)(E).

CHARGE II.

On or about April 28, 2008, while employed with DaVita Dialysis Lufkin, Lufkin, Texas, Respondent filled syringes with bleach from a container used to sterilize the dialysis equipment after each patients' use and injected this solution into the intravenous (IV) port of Patient CR, who was undergoing dialysis. As a result of Respondent's conduct, Patient CR began to

experience adverse reactions which included symptoms of chest and abdominal pains, and continual bleeding from the arterial site. Respondent's conduct was likely to injure Patient CR in that the administration of bleach intravenously, could result in the patient experiencing serious adverse reactions, up to and including death.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(C).

CHARGE III.

On or about April 28, 2008, while employed with DaVita Dialysis Lufkin, Lufkin, Texas, Respondent filled syringes with bleach from a container used to sterilize the dialysis equipment after each patients' use and injected this solution into the intravenous port of Patient MR, who was undergoing dialysis. As a result of Respondent's conduct, Patient MR began to experience adverse reactions including decreased venous pressure, elevated blood pressure and complaints of not feeling well. Respondent's conduct was likely to injure Patient CR in that the administration of bleach intravenously, could result in the patient experiencing serious adverse reactions, up to and including death.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(C).

The Texas Board of Nursing further finds, after review and due consideration of the evidence and information presented during the open meeting that given the nature of the allegations concerning Respondent's fitness to practice, the continued practice of vocational nursing by KIMBERLY CLARK SAENZ constitutes a continuing and imminent threat to public welfare and that the temporary suspension of the License No. 196238 is justified pursuant to Texas Occupations Code, Section 301.455.

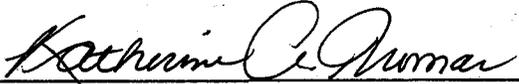
NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 196238, issued to KIMBERLY CLARK SAENZ, to practice vocational nursing in the State of Texas be, and the same is hereby, SUSPENDED IMMEDIATELY in accordance with Section 301.455, Texas Occupations Code.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than fourteen (14) days following the date of the entry of this order, and

a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 14th day of MAY, 2008.

TEXAS BOARD OF NURSING

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR