



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse §
License Number 713623 § AGREED
issued to KYMBERLY RAYE HAN § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of KYMBERLY RAYE HAN, Registered Nurse License Number 713623, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on May 10, 2007, by Katherine A. Thomas, MN, RN, Executive Director.

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, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from El Centro College, Dallas, Texas, on December 9, 2004. Respondent was licensed to practice professional nursing in the State of Texas on February 15, 2005.
5. Respondent's professional nursing employment history includes:

02/05 - 02/06	RN	Presbyterian Hospital Dallas Dallas, Texas
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Respondent's professional nursing employment history continued:

03/06 - 07/06	Unknown	
08/06 - 09/06	RN	Elm Fork Nursing & Rehab Carrollton, Texas
10/06 - present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Presbyterian Hospital Dallas, Dallas, Texas, and had been in this position for approximately one (1) year.
7. On or about February 2006, while employed with Presbyterian Hospital of Dallas, Dallas, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs), Nurses Notes, or both in that Respondent admitted to such conduct. 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 2006, while employed with Presbyterian Hospital of Dallas, Dallas, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System for patients, but failed to follow the policy and procedure for the wastage of the medication in that Respondent admitted to such conduct. 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 2006, while employed with Presbyterian Hospital of Dallas, Dallas, Texas, Respondent misappropriated Dilaudid belonging to the facility and patients thereof, in that Respondent admitted to the misappropriation of Dilaudid for her personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
10. On or about February 2006, while employed with Presbyterian Hospital of Dallas, Dallas, Texas, Respondent engaged in the intemperate use of Dilaudid and Cannabis in that Respondent produced a specimen for a drug screen which resulted positive for Dilaudid and Cannabis. Possession of Dilaudid and Cannabis is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Dilaudid and Cannabis by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

11. On or about June 2, 2006, while employed with Presbyterian Hospital of Dallas, Dallas, Texas, Respondent engaged in the intemperate use of alcohol in that Respondent produced a specimen for a drug/alcohol screen which resulted positive for ethanol. The use of alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
12. On or about September 5, 2006, while employed with Elm Fork Nursing and Rehabilitation Center, Carrollton, Texas, Respondent misappropriated Morphine belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
13. In response to Finding of Fact Number Thirteen (13), Respondent states, "On September 5th, while I was at work, I had the keys to the medicine box in my hand. I wanted to test myself, so I opened up the box and punched out some pills and held them in my hand a minute. When I was holding them I realized how good I was doing in my recovery and how I would mess everything up if I took them. So, I flushed the pills in the resident's bathroom...".
14. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
15. 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.
16. Respondent's conduct described in Findings of Fact Numbers Eight (8) through Thirteen (13) was significantly influenced by Respondent's dependency on chemicals.
17. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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 violations of Section 301.452(b)(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(D) and §217.12(4),(6)(G),(8),(10)(A),(C)&(D) and (11)(B).

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 713623, heretofore issued to KYMBERLY RAYE HAN, including revocation of Respondent's license to practice professional nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse

Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional 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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24 day of July, 2007.

Kimberly Raye Han
KYMBERLY RAYE HAN, Respondent

Sworn to and subscribed before me this 24 day of July, 2007.

SEAL



Heidi S. Black
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 24th day of July, 20 07, by KYMBERLY RAYE HAN, Registered Nurse License Number 713623, and said Order is final.

Entered and effective this 25th day of July, 20 07.


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