



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 BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse §  
License Number 678125 and Vocational §  
Nurse License Number 172895 §  
issued to KIMBERLY ANN FREDERICK §

ORDER OF THE BOARD

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 678125 and Vocational Nurse License Number 172895, issued to KIMBERLY ANN FREDERICK, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas and holds a license to practice vocational nursing in the State of Texas which is currently in delinquent status.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Lamar University, Orange, Texas on August 13, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on September 15, 1999. Respondent received an Associate Degree in Nursing from Lamar University, Port Arthur, Texas on May 11, 2001. Respondent was licensed to practice professional nursing in the State of Texas on June 26, 2001.

4. Respondent's complete vocational and professional employment history includes:

09/99 - 12/99	unknown	
01/00 - 04/01	LVN	St. Mary's Hospital Port Arthur, Texas
05/01 - 06/02	RN	Memorial Hermann Baptist Hospital Beaumont, Texas
07/02 - 06/04	RN	McKenna Memorial Hospital New Braunfels, Texas
07/04 - present	unknown	

5. Formal Charges were filed on May 24, 2007. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
6. Formal Charges were mailed to Respondent on June 5, 2007.
7. On July 30, 2007, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice professional and vocational nursing in the State of Texas.
8. 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.
9. 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 302.402(a)(9)&(10) and 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1),(10)(A)&(19) and §239.11(1),(10)&(28).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER


NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 678125 and Vocational Nurse License Number 172895, heretofore issued to KIMBERLY ANN FREDERICK, to practice professional and vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to KIMBERLY ANN FREDERICK, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional or vocational nursing, use the title of "registered nurse" or "vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying herself as a registered nurse or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse or vocational nurse during the period in which the licenses are 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 licensure privilege, if any, to practice nursing in compact states.

Effective this 3rd day of August, 2007.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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

Please accept this letter as verification that I, Kimberly Frederick, voluntarily surrender my nursing license effective immediately.

Thank you.

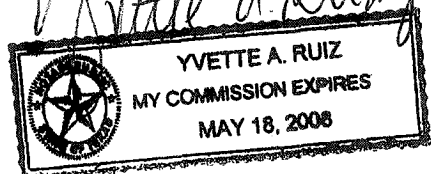
Kimberly Frederick

Kimberly Frederick  
RN License # 678125

State of Texas  
County of Bexar

Signed before me on July 23, 2007 by

Kimberly Frederick



In the Matter of Registered Nurse	§	BEFORE THE BOARD
License Number 678125 and	§	
Vocational Nurse License	§	OF NURSE EXAMINERS
Number 172895, Issued to	§	
KIMBERLY ANN FREDERICK, Respondent	§	FOR THE STATE OF TEXAS

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KIMBERLY ANN FREDERICK, is a Registered Nurse holding license number 678125, which is in Current status at the time of this pleading, and a Vocational Nurse holding license number 172895, which is in Delinquent 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 July 31, 2003 through January 28, 2004, while employed as a Registered Nurse with McKenna Memorial Hospital, New Braunfels, Texas, Respondent misappropriated narcotics from the facility and patients thereof, in that Respondent admitted that she had misappropriated the narcotics for her own personal use, after she developed problems associated with chronic back pain. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Sections 302.402(a)(10) and 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(19) and §239.11(1)&(28).

**CHARGE II.**

On or about June 9, 2004, while employed with McKenna Memorial Hospital, New Braunfels, Texas, Respondent engaged in the intemperate use of Propoxyphene in that she produced a specimen which resulted positive for Propoxyphene. Possession of Propoxyphene without a lawful prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene by a 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.

The above action constitutes grounds for disciplinary action in accordance with Sections 302.402(a)(9)&(10) and 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1) and §239.11(10)&(28).

### CHARGE III.

On or about August 15, 2005, while employed with New Braunfels Surgical Center, New Braunfels, Texas, Respondent engaged in the intemperate use of Ethanol in that she produced a specimen which resulted positive for Ethanol. The use of alcohol by a 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A)(effective September 28, 2004).

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.bne.state.tx.us](http://www.bne.state.tx.us).

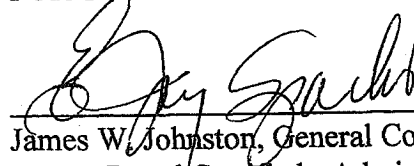
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NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency and Fraud, Theft & Deception which can be found at the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us).

Filed this 24<sup>th</sup> day of May, 2007.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
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