

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 436826
ISSUED TO
KATHLEEN MARY MOFFETT

§
§
§
§
§
§
§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS



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. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Kathleen Mary Moffett
3737 Burning Tree Lane
Garland, Texas 75042

During open meeting held in Austin, Texas, on June 12, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Board of Nurse Examiners finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 436826, previously issued to KATHLEEN MARY MOFFETT, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 436826, previously issued to KATHLEEN MARY MOFFETT, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 12th day of June, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 436826
Issued to KATHLEEN MARY MOFFETT
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of June, 2007, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Kathleen Mary Moffett
3737 Burning Tree Lane
Garland, Texas 75042

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § BEFORE THE BOARD
 Number 436826, Issued to § OF NURSE EXAMINERS
 KATHLEEN MACY MOFFETT, Respondent § FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KATHLEEN MACY MOFFETT, is a Registered Nurse holding license number 436826, 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 March 3, 2005 through March 19, 2005, while employed with Texas Specialty Hospital, Dallas, Texas, Respondent applied Duragesic (Fentanyl) Patches 100mg, to patient medical record number 103287, which was in excess frequency of the physician's orders, as follows:

Date/Time	Patient	Physician's Order	PYXIS Record	MAR	Comments
3/3/05@0809	103287	Duragesic 100mg 1 Patch top. every 3 days	2 Fentanyl 50mg Patch	0800	Patient's patch removed by Respondent, no time noted
3/4/05@0457	same	same	2 Fentanyl 50mg Patch	0500	Administered by Respondent excess frequency
3/6/05@1125	same	same	2 Fentanyl 50mg Patch	1130	Administered by Respondent, excess frequency
3/9/05@1730	same	same	2 Fentanyl 50mg Patch removed by CB, LVN	1730	Administered by CB, LVN
3/12/05@1031	same	same	2 Fentanyl 50mg Patch	1030	Administered by Respondent
3/14/05@1035	same	same	2 Fentanyl 50mg Patch	1030	Administered by Respondent, excess frequency
3/16/05@1732	same	same	2 Fentanyl 50mg Patch removed by SM, LVN	1600	Administered by SM, LVN
3/19/05@0950	same	same	2 Fentanyl 50mg Patch	1600	Administered by Respondent excess frequency

Respondent's conduct was likely to expose the patient unnecessarily to a risk of harm, in that the administration of Fentanyl in excess frequency of the physician's order could result in the patient suffering from adverse reactions.

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)(B)(C)(P) and §217.12(1)(A)&(4).

CHARGE II.

On or about March 2005, while employed with Texas Specialty Hospital, Dallas, Texas, Respondent misappropriated Fentanyl and Morphine belonging to the facility and/or the patients thereof, in that Respondent admitted to misappropriation and use of the medications. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G)&(8).

CHARGE III.

On or about March 2005, while employed with Texas Specialty Hospital, Dallas, Texas, Respondent engaged in the intemperate use of Fentanyl and Morphine. Respondent admitted to misappropriation and use of Fentanyl and Morphine. Possession of Fentanyl and Morphine without a lawful prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Fentanyl and Morphine 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)&(11)(B).

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).

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

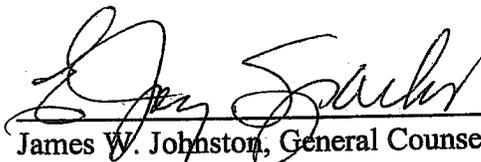
CONTINUED ON NEXT PAGE.

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.

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, Lying and Falsification, and Fraud, Theft & Deception which can be found at the Board's website, www.bne.state.tx.us.

Filed this 30th day of April, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305.8101 or (512)305-7401