

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 148846
ISSUED TO
TERRI LYNN KENEMORE

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



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 P. Harmon
Executive Director of the Board

ORDER OF THE BOARD

TO: Terri Lynn Kenemore
108 Yucca Tree Circle
Early, Texas 76802

During open meeting held in Austin, Texas, on Tuesday, June 8, 2010, 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 Texas Board of Nursing 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 vocational 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 148846, previously issued to Terri Lynn Kenemore, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

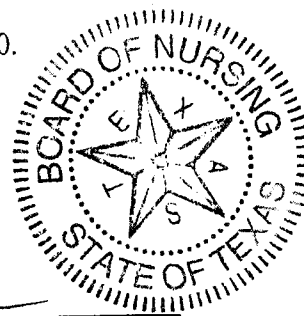
IT IS FURTHER ORDERED that Permanent Certificate Number 148846, previously issued to Terri Lynn Kenemore, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 8th day of June, 2010.

TEXAS BOARD OF NURSING

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




Re: Permanent Certificate Number 148846
Issued to Terri Lynn Kenemore
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June, 20 10, 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):

Terri Lynn Kenemore
108 Yucca Tree Circle
Early, Texas 76802

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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 148846, Issued to §
TERRI LYNN KENEMORE, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TERRI LYNN KENEMORE, is a Vocational Nurse holding license number 148846, 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 September 17 2009 Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on April 17, 2009. Respondent's noncompliance is the result of her failure to comply Stipulation Number One (1) of the April 17, 2009 Agreed Order which states that:

"(1) RESPONDENT SHALL, ... within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement...."

Specifically, Respondent paid her enrollment fee, but failed to complete the enrollment process. On September 17, 2009, Respondent was dismissed from TPAPN and referred to the Board.

A copy of the April 17, 2009 Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to 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.

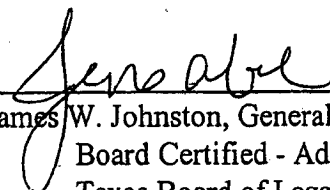
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated April 17, 2009.

Filed this 4th day of March, 2010.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated April 17, 2009

0999/D

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 148846 §
issued to TERRI LYNN KENEMORE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TERRI LYNN KENEMORE, Vocational Nurse License Number 148846, 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 September 22, 2008, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Ranger Junior College-Brownwood Extension, Brownwood, Texas, on August 13, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on September 26, 1994.
5. Respondent's nursing employment history includes:

9/94 - 11/00 Unknown

Respondent's nursing employment history continued:

12/00 - 08/01	Pediatric LVN	Nurses Night & Day Houston, Texas
08/01 - 02/02	Pediatric LVN	Select Healthcare Baytown, Texas
02/02 - 04/02	Pediatric LVN	Outreach Health Abilene, Texas
05/02 - 02/04	Med Nurse	Care Inn of Abilene Abilene, Texas
02/04 - 04/04	Pediatric LVN	Choice Home Care Abilene, Texas
04/04 - 12/05	Charge Nurse	Songbird Lodge Brownwood, Texas
12/05 - 07/06	Pediatric LVN	Outreach Health Abilene, Texas
08/06 - 12/06	Not employed in nursing	
01/07 - 05/07	LVN	Western Hills Healthcare Comanche, Texas
06/07 - present	Unknown	

6. At the time of the incidents in Findings of Fact Numbers Seven (7) through Nine (9) and Eleven (11), Respondent was employed as a Licensed Vocational Nurse with Western Hills Healthcare, Comanche, Texas, and had been in this position for one (1) year and three (3) months.
7. Respondent may have an addiction to Hydrocodone in that she passed prescriptions for Hydrocodone at different pharmacies using different physicians, which may indicate a chemical dependency on Hydrocodone that may affect her ability to safely practice vocational nursing.

8. While employed with Western Hills Healthcare, Comanche, Texas, Respondent misappropriated Hydrocodone, which had been discontinued and designated to be destroyed, from the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication and was in violation of the Chapter 481 of the Health and Safety Code (Texas Controlled Substances Act).
9. On or about April 4, 2007, while employed with Western Hills Healthcare, Comanche, Texas, Respondent engaged in the intemperate use of Opiates in that she produced a specimen for a drug screen which resulted positive for opiates. Possession of Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates by a Licensed Vocational 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, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
10. In response to Findings of Fact Eight (8), Respondent states that she did not know where the missing narcotic card went. In Response to Finding of Fact Number Nine (9), Respondent states that she had taken two (2) Vicodin the morning of the drug screen, and provided an outdated pharmacy sheet showing that she had been dispensed thirty (30) Hydrocodone tablets ten (10) months prior. No valid prescription was produced.
11. While employed with Western Hills Healthcare, Comanche, Texas, Respondent failed to document signs, symptoms, and responses to medications administered in patients' Medication Administration Record or Nurses Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate and assess the patient which could result in an overdose or an inaccurate assessment.
12. 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.
13. 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.
14. Respondent's conduct described in Findings of Fact Numbers Seven (7), Eight (8), Nine (9), and Eleven (11) resulted from Respondent's impairment by dependency on chemicals.
15. 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)(A)(D), and 22 TEX. ADMIN. CODE §217.12(5),(6)(G),(10)(A)&(D) & (11)(B).
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 148846, heretofore issued to TERRI LYNN KENEMORE, including revocation of Respondent's license to practice 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):

RESPONDENT SHALL deliver the wallet-sized license issued to TERRI LYNN KENEMORE, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350)

payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 privileges, if any, to practice nursing in the State of Texas.

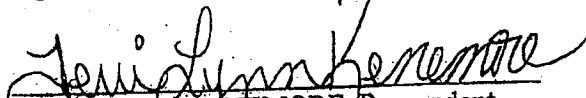
IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where 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 nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

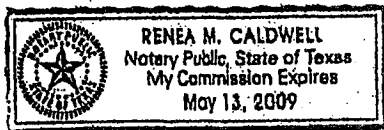
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 Texas Board of Nursing, 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 15th day of April, 2009.


TERRI LYNN KENEMORE, Respondent

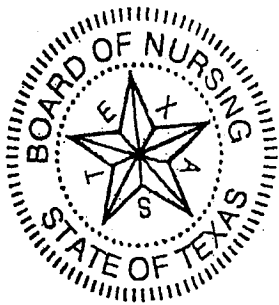
Sworn to and subscribed before me this 15th day of April, 2009.

SEAL

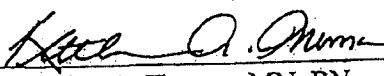



Notary Public in and for the State of TEXAS

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 15th day of April, 2009, by TERRI LYNN KENEMORE, Vocational Nurse License Number 148846, and said Order is final.



Entered and effective this 17th day of April, 2009.


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