

Respondent's nursing employment history continued:

04/2008-06/2008	RN	Favorite Nurses Healthcare Services San Antonio, Texas
07/2008-08/2008	Unknown	
09/2008-02/2009	DON	River City Care Center San Antonio, Texas
03/2009-07/2009	Unknown	
08/2009-12/2009	RN	Trisun Care Center San Antonio, Texas
12/2009-04/2017	Unknown	
04/2017-Present	RN	Complete Healthcare Services Jasper, Texas

5. On December 30, 2009, Respondent voluntarily surrendered her license to practice professional nursing in the State of Texas. A copy of the December 30, 2009, Agreed Order, including the Findings of Fact, Conclusions of Law, and Order is attached and incorporated, by reference, as part of this Order.
6. On or about December 13, 2016, Respondent's professional nursing license was REINSTATED WITH STIPULATIONS through a Reinstatement Agreed Order by the Board. A copy of the Reinstatement Agreed Order, including the Findings of Fact, Conclusions of Law, and Terms Order dated December 13, 2016, is attached and incorporated, by reference, as part of this Order. Respondent has not completed the terms of this Order.
7. On or about July 19, 2017, August 18, 2017, and September 6, 2017, Respondent became non-compliant with the requirements of the December 13, 2016 Order, by producing three (3) urine specimens for random drug screens, which resulted positive for alcohol (ethanol). Stipulation Number Seven (VII)(A) of the December 13, 2016, Order, reads, in pertinent part:
 - (A.) While under the terms of this Order, Respondent SHALL abstain from the use of alcohol, tramadol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, Respondent SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances for

controlled substances are required for periods of two (2) weeks or longer, the Board may require and Respondent SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

8. In response to Finding of Fact Number Seven (7), Respondent submitted information from her treating physician.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).
3. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 562293, heretofore issued to KELLY LYNN FITCH.

TERMS OF ORDER

I. SUPERSEDING ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that KELLY LYNN FITCH, Registered Nurse License Number 562293, shall be subject to the requirements and stipulations in this Agreed Order and the requirements and stipulations of this Agreed Order SHALL supersede all previous requirements and stipulations required by any Order entered by the Texas Board of Nursing.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, Respondent agrees to obtain, read, and comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, Respondent SHALL successfully complete the following remedial education course(s) within one (1) year of entry of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.
- B. The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), Respondent SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention

of Monitoring at the Board's office. Respondent SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, Respondent must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for ten (10) quarterly periods [two (2) years and six (6) months] of employment. This requirement will not be satisfied until ten (10) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** Respondent SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, Respondent SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** Respondent SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. Respondent SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Direct Supervision:** For the first six months [two (2) quarters] of employment as a Nurse under this Order, Respondent SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as Respondent and immediately available to provide assistance and intervention. Respondent SHALL work only on regularly assigned, identified and predetermined unit(s). Respondent SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. Respondent SHALL NOT be

self-employed or contract for services. Multiple employers are prohibited.

- D. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first six months [two (2) quarters] of employment as a Nurse under this Order, Respondent SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned.
- E. **No Critical Care:** For the first six months [two (2) quarters] of employment as a Nurse under this Order, Respondent SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.
- F. **No Administration of Controlled Medications:** For the first six months [two (2) quarters] of employment as a Nurse under this Order, Respondent SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- G. **Indirect Supervision:** For the remainder of the probation period, Respondent SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as Respondent, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. Respondent SHALL work only regularly assigned, identified and predetermined unit(s). Respondent SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. Respondent SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- H. **Nursing Performance Evaluations:** Respondent SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to Respondent'S capability to practice nursing. These reports shall be completed by the nurse who supervises the Respondent and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for ten (10) quarters [two (2) years and six (6) months] of employment as a nurse.

V. DRUG AND ALCOHOL RELATED REQUIREMENTS

A. While under the terms of this Order, Respondent SHALL **abstain from the use of alcohol, nalbuphine, propofol and all controlled substances**, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, Respondent SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and Respondent SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, Respondent SHALL **submit to random periodic screens for alcohol, nalbuphine, propofol and controlled substances**. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when Respondent obtains employment and submits the Notification of Employment form to the Board.

- For the first six (6) month period [1st & 2nd quarter] Respondent works as a nurse under the terms of this Order, random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

For the purpose of this Order, All random screens SHALL BE conducted **through blood testing**. Screens obtained through urinalysis will not be accepted by the Board. Any test result for a period of time in which the Respondent is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. Respondent SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital

Butabarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone
Oxymorphone	Propoxyphene	Canna binoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Tramadol
Meperidine	Carisoprodol	Butorphanol
Nalbuphine	Ketamine	Propofol

Upon enrollment in the Board's drug and alcohol testing program, **Respondent SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not Respondent has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the Respondent's place of employment at any time during the probation period and require Respondent to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which Respondent does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject Respondent to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. **While under the terms of this Order, Respondent SHALL attend at least two (2) support group meetings each week,** one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. Respondent SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by Respondent. Respondent SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from Respondent'S license(s) to practice nursing in the State of Texas and Respondent may be eligible for nurse licensure compact privileges, if any.

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 violation(s) 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

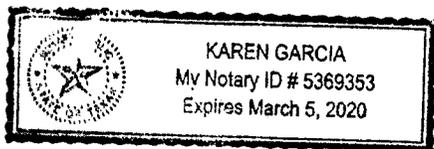
Signed this 15 day of September, 2017

Kelly Lynn Fitch
KELLY LYON FITCH, Respondent

Sworn to and subscribed before me this 15 day of September, 2017.

SEAL

Karen Garcia
Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 15th day of September, 2017, by KELLY LYNN FITCH, Registered Nurse License Number 562293, and said Order is final.

Effective this 26th day of October, 2017.



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

Petitioner's nursing employment history continued:

8/03 - 3/08	RN	Southwest General Hospital San Antonio, Texas
4/08 - 6/08	RN	Favorite Nurses Healthcare Services San Antonio, Texas
7/08 - 8/08	Unknown	
9/08 - 2/09	DON	River City Care Center San Antonio, Texas
3/09 - 7/09	Unknown	
8/09 - 12/09	RN	Trisun Care Center San Antonio, Texas
12/09 - present	Not employed in nursing	

5. On December 30, 2009, Petitioner voluntarily surrendered her license to practice professional nursing in the State of Texas. A copy of the December 30, 2009, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On or about April 21, 2016, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
7. Petitioner presented the following in support of said petition:
 - 7.1. Certificate from Seasons of Hope Center, Lufkin, Texas, a residential treatment facility, reflecting completion of treatment on July 25, 2015.
 - 7.2. Letter, dated March 5, 2016, from Carlene Smith, Executive Director, Season of Hope Center, Lufkin, Texas, stating Petitioner volunteered to enter the program on January 12, 2015, through July 22, 2015. During that time, Petitioner committed herself to all classes and programs offered. Petitioner is dependable, committed to assigned task, organizing and completing her work.
 - 7.3. Early dismissal and discharge from community supervision under Cause No. 2008CR5145 dated January 6, 2014.

- 7.4. Letter of support from John Dawdy, Garland, Texas, stating Petitioner has made long strides in recovering from her past addictions, she has become a standing member in her community. Mr. Dawdy has found that his mother has displayed a high degree of passion for her church's community and found a true bond with her religion. Not only has she recovered from her past mistakes, she has become a more caring and loving mother.
- 7.5. Letter of support, dated January 4, 2016, from Marcia Rutherford, Lufkin, Texas, stating she has known Petitioner since January 2015, when she met her at a rehabilitation facility in Lufkin, Texas. Ms. Rutherford met with residents twice a week to conduct morning devotions. After Petitioner graduated from the program and moved to Jasper, they stayed in touch. In October 2015, Ms. Rutherford sponsored Petitioner to attend a Christian renewal retreat. During the time Ms. Rutherford has known Petitioner, she has been consistently making good choices for her life. Petitioner openly confided with Ms. Rutherford about her past drug abuse history and her steadfast commitment to remain drug free. Ms. Rutherford has found Petitioner to be a sincere and diligent person. Ms. Rutherford is confident that Petitioner will continue to live a responsible life and will continue to be a dependable, trustworthy employee and citizen of the community.
- 7.6. Letter of support from Joan Pace, Jasper, Texas, stating she met Petitioner on a mission trip to Colorado in July 2014. During the five (5) days of mission work, Ms. Pace observed Petitioner volunteering for various work assigned by the mission coordinator. She worked diligently with no complaints or lack of energy. Since her return, Ms. Pace has observed Petitioner's loyalty to the clinic where she is employed as a medical coder. Ms. Pace believes Petitioner is on the way to recovery and should not be denied the chance to prove herself as a responsible, kind-hearted person who would like to get back her care-giving life as a nurse.
- 7.7. Letter of support, dated February 21, 2016, from Trena Splettstosser, Jasper, Texas, stating Petitioner joined Hillcrest Baptist Church on March 2, 2014, and was a very active member. She served faithfully on mission trips and various committees. As a dedicated employee, she has done well working for her current employer. Ms. Splettstosser highly recommends Petitioner as a trustworthy, committed and responsible individual.
- 7.8. Letter of support, dated April 18, 2016, from Gretchen Stone, Complete Healthcare Services, Jasper, Texas, stating she first met Petitioner when she came to work in 2014. When the opportunity arose to help Petitioner, they supported her and her successful attempt to get into a rehabilitation program at Seasons of Hope. Ms. Stone attended Petitioner's graduation from the facility six (6) months later. Petitioner is

very professional in her present position and is excited about her future in the medical field.

- 7.9. Letter of support, dated March 10, 2016, from Kay Gilliland, Complete Healthcare Services, Jasper, Texas, stating she first met Petitioner when she came to work in February 2014. Petitioner immediately distinguished herself as a quiet, but very diligent employee. She continued in Medical Records until Dr. Gilliland promoted her to be his personal assistant to help him manage and review his patients charts. Ms. Gilliland is proud of the progress Petitioner has made these last eight (8) months.
- 7.10. Letter of support, dated February 15, 2016, from Brother David Nugent, Hillcrest Baptist Church, Jasper, Texas, stating he has known Petitioner since December 2014. Petitioner has faithfully volunteered to help with numerous mission projects. Petitioner has proven herself as a welcomed partner and catalyst for a great working environment.
- 7.11. Letter of support, dated April 18, 2016, from Charlie Nicholson, stating he is aware of Petitioner's past problems and her successful completion of a voluntary six (6) month, faith-based rehabilitation program. She also has been working under the close supervision of Dr. Gilliland over a two (2) year period. Mr. Nicholson highly recommends Petitioner for reinstatement.
- 7.12. Letter of support, dated August 31, 2016, from Nora Balke, PMC-MSN, APRN, FNP-C, stating she has worked with Petitioner since August 2015 at Complete Healthcare Services, Jasper, Texas. Petitioner is the medical assistant for a physician preceptor Ms. Balke has utilized throughout her family nurse practitioner clinicals. Ms. Balke has gotten to know Petitioner very well over the past year and spent many, many hours working alongside her in the clinic. Ms. Balke feels that she can speak to her professionalism in the healthcare environment and also to her personal character. Petitioner is a hard worker, knowledgeable and able to handle multiple demands in an often stressful environment. Never has Ms. Balke had concerns regarding Petitioner's access to controlled substances, e-prescribing or triplicates. Ms. Balke has very confidence in Petitioner's ability to return safely to full practice.
- 7.13. Letter of support, dated April 18, 2016, from Martin E. Gilliland, MD, Jasper, Texas, stating Petitioner has been working as his personal nurse under close supervision for the past nine (9) months. She has not missed or been tardy and performs any task given her diligently and accurately. Petitioner is a valued, trusted employee and an asset to the clinic.
- 7.14. Five (5) negative random drug screens collected monthly from May 18, 2016, through September 8, 2016.

- 7.15. Documentation of the required continuing education contact hours.
8. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Tex. Admin. Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character and relicensure.
9. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
10. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.
3. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Tex. Admin. Code §213.27, and pursuant to 22 Tex. Admin. Code §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

TERMS OF ORDER

I. REINSTATEMENT OF LICENSURE

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of KELLY LYNN FITCH for reinstatement of license to practice nursing in the state of Texas be **GRANTED** and Registered Nurse License Number 562293 is hereby **REINSTATED** in accordance with the terms of this Order.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, PETITIONER agrees to obtain, read, and comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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.

- A. This Order SHALL be applicable to PETITIONER's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- B. PETITIONER may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where PETITIONER wishes to work.

III. REQUIREMENTS FOR REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN PROFESSIONAL REGISTERED NURSING

Prior to practicing as an registered nurse in the State of Texas, PETITIONER SHALL:

- A. Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Professional Registered Nursing for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in professional registered nursing. The application for the Six Month Temporary Permit is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Six Month Permits. PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in professional registered nursing.
- B. Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for professional registered nursing. Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment. In order for the course to be approved, the target audience shall include registered nurses and the course's content shall, at a minimum, include: 1) Review of NPA, Rules, Position Statements; 2) Determination of Individual Scope of Practice and role in patient safety; 3) Review of the

nursing process to include assessment, planning, implementation, and evaluation; 4) Pharmacology review; 5) Medication administration; 6) Documentation, quality assurance, and legal implication for nursing practice; and, 7) Documentation of current CPR certification prior to beginning precepted clinical learning experience. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care supervised by a qualified registered nurse instructor who meets or exceeds the Board's minimum criteria for eligibility as an instructor. Home study courses and video programs will not be approved.

- C. Upon completion of the refresher course, extensive orientation, or nursing program of study for professional registered nursing, PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of supervised practice.
- D. Upon verification of successful completion of the conditions as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Registered Nurses, which is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Renewals / Reactivation Renewal. PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice registered nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, Petitioner SHALL successfully complete the following remedial education course(s) within one (1) year of relicensure, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.

- B. The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), Petitioner SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. Petitioner SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. **MONITORING FEE**

PETITIONER SHALL pay a monitoring fee in the amount of five hundred dollars (\$500.00) within forty-five (45) days of relicensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, PETITIONER must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL

notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

- B. Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned.
- E. No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.
- F. No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- G. Indirect Supervision:** For the remainder of the probation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as

PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- H. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [three (3) years] of employment as a nurse.

VII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, PETITIONER SHALL abstain from the use of alcohol, tramadol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.
- B. While working as a nurse under the terms of this Order, PETITIONER SHALL submit to random periodic screens for alcohol, tramadol, and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when PETITIONER obtains employment and submits the Notification of Employment form to the Board.
- For the first three (3) month [1st quarter] period PETITIONER works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
 - For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.

- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board. Any test result for a period of time in which the PETITIONER is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for at least the following substances and their metabolites:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER'S place of employment at any time during the probation period and require PETITIONER to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which PETITIONER does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject PETITIONER to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. **While under the terms of this Order,** PETITIONER SHALL **attend at least two (2) support group meetings each week,** one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record

of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VIII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

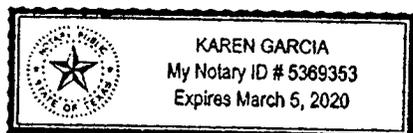
Signed this 3 day of Nov., 2016

Kelly Lynn Fitch
KELLY LYNN FITCH, Petitioner

Sworn to and subscribed before me this 3 day of November, 2016.

SEAL

Karen Garcia
Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 3rd day of November, 2016, by KELLY LYNN FITCH, Registered Nurse License Number 562293, and said Order is final.

Effective this 13th day of December, 2016.



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



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
Stephanie P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 562293 §
issued to KELLY LYNN BEJSTER § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board accepted the voluntary surrender of Registered Nurse License Number 562293, issued to KELLY LYNN BEJSTER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice 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 representation by counsel, informal proceedings, 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 May 10, 1990. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1990.
5. Respondent's professional employment history includes:

8/90-11/02	RN	Zale Lipshy University Hospital Dallas, Texas
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Respondent's professional employment history continued:

12/02-6/03	RN	North Central Baptist Hospital San Antonio, Texas
7/03	Unknown	
8/03-3/08	RN	Southwest General Hospital San Antonio, Texas
4/08-6/08	RN	Favorite Nurses HealthCare Services San Antonio, Texas
7/08-Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed with Southwest General Hospital, San Antonio, Texas and had been in this position for approximately four (4) years and six (6) months.
7. On or about February 18, 2008, through February 29, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Lortab, Demerol, Xanax, Vicodin, and Hydrocodone from the Pyxis Medication Dispensing System for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs) and/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 the patient which could result in an overdose.
8. On or about February 18, 2008, through February 29, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Lortab, Demerol, Xanax, Vicodin, and Hydrocodone from the Pyxis Medication Dispensing System for patients, but failed to follow the policy and procedure for the wastage of the medications. 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 18, 2008, through February 29, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Lortab, Demerol, Xanax, Vicodin, and Hydrocodone from the Pyxis Medication Dispensing System for patients without a physician's order. Respondent's conduct was likely to injure the patients in that the administration of Lortab, Demerol, Xanax, Vicodin, and Hydrocodone without a valid physician's order could result in the patient suffering from adverse reactions.
10. On or about February 18, 2008, through February 29, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Lortab, Demerol, Xanax, Vicodin, and Hydrocodone belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

11. In response to Findings of Fact Number Seven (7), Eight (8), Nine (9) and Ten (10), Respondent states all of the allegations from Southwest General Hospital are true. Respondent states she never denied her patients any medication and all the medications were for self use.
12. On or about June 25, 2008, while employed with Favorite Nurses HealthCare Services, San Antonio, Texas and working at Select Specialty Hospital, San Antonio, Texas and Foundation Hospital, San Antonio, Texas, Respondent admitted to misappropriating Morphine, Demerol, Alprazolam, Clonidine tabs and Phenergen that belonged to the facilities and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
13. On or about July 29, 2008, Respondent plead "Nolo Contendere" to "Obtaining Drugs by Fraud-Sch III" (a 3rd Degree Felony Offense committed on January 18, 2008), in the 379th District Court, Bexar County, Texas, Cause No. 2008CR5145. As a result of the plea, Respondent's adjudication of guilt was deferred and Respondent was placed on five (5) years Community Supervision and ordered to pay a fine and court costs.
14. In response to Findings of Fact Number Twelve (12) and Thirteen (13), Respondent states she was arrested on June 25th for prescription fraud and possession. Respondent states she tried to detox and get off everything on her own but was unable. Respondent went to the Patricia Movement for detox and then to the residential program. Respondent explains on July 29, 2008, she appeared in court on four charges filed against her. Respondent states they plea bargained and the three lesser charges were dropped and she was given Deferred Adjudication and was placed on probation for 5 years and given over \$5000 in fines and 240 hours community service.
15. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
16. 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.
17. 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 violation of Section 301.452(b)(3),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) & §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(C),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 562293, heretofore issued to KELLY LYNN BEJSTER, 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 Registered Nurse License Number 562293, heretofore issued to KELLY LYNN BEJSTER, 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:

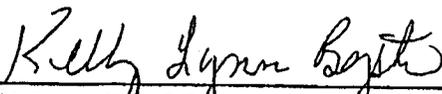
1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. 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.
3. 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.

RESPONDENT'S CERTIFICATION

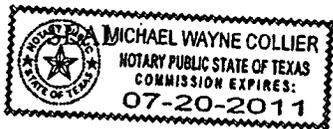
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 28TH day of DECEMBER, 2009.



KELLY LYNN BEISTER, Respondent

Sworn to and subscribed before me this 28TH day of DECEMBER, 2009.





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 the voluntary surrender of Registered Nurse License Number 562293, previously issued to KELLY LYNN BEJSTER.



Effective this 30th day of December, 2009.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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