



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.
William P. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 581865 § REINSTATEMENT
issued to LEIGH ANN KILGORE § AGREED ORDER

On the 8th day of June, 1999, the Eligibility and Disciplinary Committee of the Board of Nurse Examiners for the State of Texas met at the Board's office at 333 Guadalupe, Austin, Texas. Board members present were: Kenneth Lowrance, MS, RN, CS, FNP-C, President; Mary Letrice Kemp Brown, BSN, RN; Nancy Boston, Consumer Member; and Thalia Munoz, MS, RN. Also present were: Katherine A. Thomas, MN, RN, Executive Director; J. Kent Black, General Counsel; James W. Johnston, Assistant General Counsel; Anthony Diggs, Director of Investigations; Korena Schaaf, Investigator; and Jonell Clark, Administrative Technician II.

On this day came to be considered by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of RN License Number 581865, Previously issued to LEIGH ANN KILGORE, hereinafter referred to as Petitioner.

Petitioner waived representation by counsel, notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.

FINDINGS OF FACT

1. Petitioner waived notice and hearing, and consented to the entry of this Order.
2. Petitioner received a Baccalaureate Degree in Nursing from the University of Texas at Arlington, Arlington, Texas, in 1992. Petitioner was originally licensed to practice professional nursing in the state of Texas on August 31, 1992.
3. Petitioner's professional employment history is unknown.

4. On August 8, 1995, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing. A copy of the Order accepting the surrender of Petitioner's license is attached and incorporated by reference as part of this Order.
5. On July 30, 1998, Petitioner submitted a Petition for Reinstatement of Licensure which included the following documents of support:
 - 5.1. Copy of the Indictment #0627156, for Capital Murder, dated September 16, 1994, in Tarrant County, Texas, and a copy of the Judgement on Jury Verdict of Guilty Punishment Probated by Court or Jury, dated August 13, 1996, in the 371st District Court of Tarrant County, Texas. Petitioner was found guilty of Aggravated Assault with a Deadly Weapon and placed on seven (7) years probation.
 - 5.2. Copy of the Judgment on Plea of guilty or Nolo Contendere and Suspending Imposition of Sentence, dated November 13, 1996, in the 371st District Court of Tarrant County, Texas. Petitioner pled guilty to Obtaining a Controlled Substance, namely: Dihydrocodeinone by Forgery, in November of 1994. Petitioner was placed on probation for one - two years.
 - 5.3. Letter, dated June 2, 1998, from Linda Wray, Supervision Officer I, Community Supervision and Corrections Department, Ft. Worth, Texas. Ms. Wray indicates that Petitioner is on a seven-year probation for Aggravated Assault with a Deadly Weapon, and that Petitioner is in compliance with the terms of that probation. Ms. Wray does indicate, however, that Petitioner tested positive for cocaine on a random drug screen performed April 10, 1997. Supporting documentation indicates Petitioner submitted to a polygraph test on May 8, 1997, the results of which indicate Petitioner was being truthful when she denied use of any cocaine during her probation period.
 - 5.4. Copies of letters sent to Judge James Wilson, 371st District Court, between June 13, 1997, and September 9, 1997, from Jean Christiansen (Petitioner's mother), INS, Washington, D.C.
 - 5.5. Letter of recommendation, not dated, from John Powers, G.M., Veladi Ranch Steak House, Bedford, Texas.
 - 5.6. Letter of support, dated July 12, 1997, from Denise Perry, General Manager, Veladi Ranch Steak House, Addison, Texas.
 - 5.7. Letter of counseling, dated July 11, 1997, sent to Petitioner's Civil Attorney, Richard Price, from James M. Hardin, PhD, Bedford, Texas.

- 5.8. Copy of a letter of support, dated July 8, 1997, sent to Judge James Wilson from Swanee Hunt, Embassy of the United States of America, Vienna, Austria.
- 5.9. Copy of a letter of support, dated July 3, 1997, sent to Judge James Wilson from Walter Christiansen (Petitioner's father).
- 5.10. Copy of a letter of support, dated July 11, 1997, sent to Judge James Wilson from Donna C. Chabot (Petitioner's sister).
- 5.11. Copy of a letter of support, not dated, sent to Judge James Wilson from Gary Christiansen (Petitioner's brother).
- 5.12. Copy of letter of support, dated July 9, 1997, sent to Judge James Wilson from Greg Christiansen (Petitioner's brother).
- 5.13. Copy of letter of support, dated July 6, 1997, sent to Judge James Wilson from Ursula A. Habacker (Petitioner's Aunt).
- 5.14. Letter of support, dated July 7, 1997, sent to Judge James Wilson from Susan Graham (Petitioner's cousin).
- 5.15. Letter of on-going treatment, dated April 10, 1998, from James M. Hardin, PhD, Bedford, Texas.
- 5.16. Letter of recommendation, dated April 16, 1998, from John Hardy, Ft. Worth Independent School District, Ft. Worth, Texas.
- 5.17. Letter of recommendation, not dated, from B. Lance Gatlin, Office Manager, Medical Evaluation Specialists, Dallas, Texas.
- 5.18. Letter of recommendation, dated July 23, 1998, from Martin J. Sandoval, Office Manager, Medical Evaluation Specialists, Dallas, Texas.
- 5.19. Letter of support, dated July 22, 1998, from Melissa D. Carpenter, Dallas, Texas.
- 5.20. Letter of support, dated July 23, 1998, from Priscilla Madsen, Irving, Texas.
- 5.21. Letter of support, dated July 19, 1998, from Valen J. Radimecky, MD, Coppell, Texas.
- 5.22. Letter of support, dated April 27, 1998, from Harold E. Woodward, American Embassy/Vienna, Washington, DC.

- 5.23. Letter of support, dated May 27, 1998, from Jean M. Christiansen (Petitioner's mother), American Embassy/Vienna, Washington, DC.
- 5.24. Letter of support, dated July 1, 1998, from Donna C. Chabot (Petitioner's sister), Flower Mound, Texas.
- 5.25. Letter of appreciation, not dated, sent to Petitioner from Jeff Lawrence, Tech Staff Assistant, the University of Texas Southwestern Medical Center, Dallas, Texas.
- 5.26. Certificate of Participation, dated May 26, 1998, indicating Petitioner's participation in "Sharing the love of the Lord to Preschoolers."
- 5.27. Copy of certificate for twenty (20) hours of continuing education hours as required for relicensure by the Board.
- 5.28. Letter of support, dated January 8, 1999, from Kathryn Cox, Irving, Texas.
- 5.29. Letter of update on therapy, dated January 7, 1999, from James M. Hardin, PhD, Bedford, Texas.
6. Petitioner's sobriety date is May 1995.
7. On January 12, 1999, an Informal Conference was held at the Board's office to determine Petitioner's eligibility for reinstatement of her license to practice professional nursing in the state of Texas. The recommendation made at the conference was for Petitioner to undergo a current forensic psychological evaluation to be conducted by a Board-approved practitioner.
8. On January 25, 1999, a psychiatric examination of Petitioner was conducted by James P. Grigson, MD, PA, Dallas, Texas. The report submitted to the Board by Dr. Grigson was incomplete and did not include the testing necessary to determine Petitioner's ability to safely practice professional nursing.
9. On March 9, 1999, Petitioner appeared before the Board's Eligibility and Disciplinary Committee for consideration of her petition for reinstatement of her license. The Committee's decision was the Petitioner undergo a more extensive evaluation by a Board-approved Forensic Psychologist. It was further determined that Petitioner should cause the evaluator to submit the results from the evaluation to the Board's office, along with a recommendation from the evaluator as to Petitioner's ability to safely practice professional nursing.

10. On May 4, 1999, an evaluation was completed by John M. Lehman, PhD, Clinical Psychologist, Richardson, Texas. Dr. Lehman's report includes diagnoses of Petitioner for Opiod dependency in remission and antisocial personality disorder. Dr. Lehman's recommendations include: Board monitoring of the Petitioner's RN practice for as long as possible; restricting her practice to areas where narcotics are unavailable or access is limited; random drug screening; and encouraging Petitioner to return to counseling and/or a 12 step-program.
11. Additional documentation submitted by Petitioner for consideration by the Board's Eligibility and Disciplinary Committee at their June 8, 1999, meeting included a letter from James M. Hardin, PhD, Petitioner's current therapist. Dr. Hardin stated that, in his opinion, Dr. Lehman's was "generally an excellent review of (Petitioner's) history and it presented in a very succinct way my interpretation, from a clinical perspective without benefit of testing, (Petitioner's) psychological functioning." He further stated that it is his belief that Dr. Lehman's diagnosis of Petitioner for Antisocial personality disorder has room for discussion to the contrary. Dr. Hardin states that he is "concerned about this diagnosis at this time does not accurately portray (Petitioner's) behavior or motivation." He indicates that he has found Petitioner to be brutally honest in her discussions and, at times, perhaps finding that using discretion may be more appropriate than giving away potentially embarrassing information. Dr. Hardin indicates that he concurs with "the entirety of (Dr. Lehman's) recommendations" for reinstatement of Petitioner's license to practice professional nursing in the state of Texas.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, as amended, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to Article 4525(c)(2), Revised Civil Statutes of Texas, as amended, 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.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of LEIGH ANN KILGORE, license number 581865, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, as amended, Art. 4513 et. seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 et. seq. and the stipulations contained in this Order:

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. The refresher course shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 24-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, 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 clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees, meet all then existing requirements for relicensure, and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to LEIGH ANN KILGORE, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(7) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics to include professional boundaries. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course must be a minimum of six (6) contact hours in length. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify PETITIONER'S successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT:

(8) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

(9) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(10) For the first year of employment as a registered nurse under this Order, PETITIONER SHALL be directly supervised by a registered nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and readily available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) For the remainder of the stipulation period under this Order, PETITIONER SHALL be supervised by a registered nurse who is on the premises. The supervising RN 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. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(12) PETITIONER SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the assigned unit(s) for one (1) year of employment as a professional nurse.

(13) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care unit, emergency room, operating room, telemetry, recovery room, and labor and delivery units.

(14) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan or other synthetic opiates for one (1) year of employment as a professional nurse.

(15) PETITIONER SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(16) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of 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.

(17) PETITIONER SHALL submit to random periodic screens for controlled substances and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation/probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene

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

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.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(18) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

(19) PETITIONER SHALL CAUSE her probation officer to submit written reports on forms provided by the Board. The reports shall indicate the PETITIONER's compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until PETITIONER is released from probation.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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PETITIONER'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. 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 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

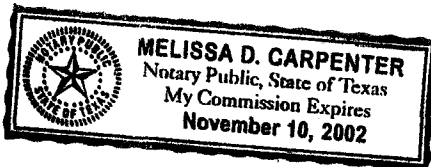
Signed this 21st day of June, 1999.

Leigh Ann Kilgore
LEIGH ANN KILGORE, Petitioner

Sworn to and subscribed before me this 21st day of June, 1999.

SEAL

Melissa D. Carpenter
Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 21st day of June, 1999, by LEIGH ANN KILGORE, License Number 581865, and said Order is final.

Effective this 29th day of June, 1999.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 581865 issued to §
LEIGH ANN KILGORE §

ORDER OF THE BOARD

To: Leigh Ann Kilgore
504 Bayberry
Eules, Texas 76039

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of professional nurse license number 581865, issued to LEIGH ANN KILGORE, hereinafter referred to as Respondent. This action was taken in accordance with Article 4525.1(c), Revised Civil Statute of Texas, as amended.

Respondent waived representation by counsel, informal conference, 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, 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, hearing, and consented to the entry of this Order.
3. That LEIGH ANN KILGORE is currently licensed to practice professional nursing in the State of Texas.
4. That LEIGH ANN KILGORE submitted a notarized statement and professional nurse license number 581865 to the Board voluntarily surrendering the right to practice professional nursing in Texas.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. That, under Article 4525.1(c), Revised Civil Statutes of Texas, as amended, the Board has the authority to accept the voluntary surrender of a license.

ORDER

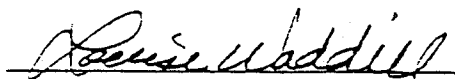
NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of license number 581865, heretofore issued to LEIGH ANN KILGORE, to practice professional nursing in the State of Texas is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following condition(s):

1. LEIGH ANN KILGORE shall not submit an application for reinstatement until one (1) year has elapsed from the date of this Order.

Effective this 8th day of August, 1995.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By:



Louise Waddill, Ph.D. R.N.
Executive Director on behalf
of said Board