

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
NUMBER 188904	§	COMMITTEE OF THE BOARD
ISSUED TO	§	OF NURSE EXAMINERS OF THE
KIMIE GALE HAGGARD	§	STATE OF TEXAS

ORDER OF THE BOARD

TO: KIMIE GALE HAGGARD
7227 US Hwy 290 E #2202
Austin, TX 78723

During open meeting held in Austin, Texas, on September 11, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Board of Nurse Examiners finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice 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 188904, previously issued to KIMIE GALE HAGGARD, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 188904, previously issued to KIMIE GALE HAGGARD, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

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

Entered this 11th day of September, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

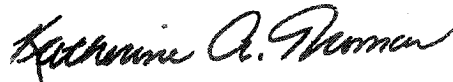
BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 188904
Issued to KIMIE GALE HAGGARD
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of September, 2007, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

KIMIE GALE HAGGARD
7227 US HWY 290 E #2202
AUSTIN, TX 78723



BY:

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

In the Matter of Permanent License
Number 188904, Issued to
KIMIE GALE HAGGARD, Respondent

§ BEFORE THE BOARD
§ OF NURSE EXAMINERS
§ FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KIMIE GALE HAGGARD, is a Vocational Nurse holding license number 188904, 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.

In February 2005, while employed at Park Bend Health Center, Austin, Texas, Respondent misappropriated Vicodin from the facility and the residents thereof. Respondent's conduct defrauded the facility and the patients thereof of the cost of the medication.

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

CHARGE II.

On or about March 25, 2006, while employed with Evins Medical Staffing, Austin, Texas, and on assignment at Austin State School, Austin, Texas, Respondent failed to administer medications as ordered to the following patients assigned to her care:

DATE/TIME	PATIENT	PHYSICIAN'S ORDER	MEDICATION ADMINISTRATION RECORD
3/25/06@12:00 NOON	#15987	20 mg Buspar at 12:00 Noon	not documented as administered
3/25/06@12:00 NOON	#16319	10 mg Zanaflex at 12:00 Noon 4 mg Zanaflex at 12:00 Noon 100 mg Neurontin at 12:00 Noon 1 mg Folic Acid	not documented as administered not documented as administered not documented as administered not documented as administered
3/25/06@ 7:00 A.M. @ 12:00 Noon	#16008	400 mg Tegretol at 7:00 a.m. 300 mg Tegretol at 12:00 Noon	not documented as administered not documented as administered
3/25/06@ 12:00 Noon	#13384	6 mg Zanaflex at 12:00 Noon	not documented as administered
3/25/06 @ 7:00 A.M. @ 12:00 Noon	#13742	1500 mg Keppra at 7:00 A.M. 2 mg Zanaflex at 12:00 Noon	not documented as administered not documented as administered

Respondent's failure to administer medications was likely to injure the patients in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(C).

CHARGE III.

On or about April 17, 2006 through April 18, 2006, while employed with Evins Medical Staffing, Austin, Texas, and on assignment at Austin State School, Austin, Texas, Respondent administered medications to patients in excess of physicians' orders as follows:

DATE/TIME	PATIENT	PHYSICIAN'S ORDER	AMOUNT ADMINISTERED PER MEDICATION ERROR REPORT	MAR
4/17/06@5:00PM	16387	600 mg Lithium @ 5:00 PM 200 mg Seroquel @ 5:00 PM	1200 mg Lithium @ 5:00PM 400 mg Seroquel @ 5:00PM	not documented not documented
4/18/06@ 5:00PM	16392	5 mg Ducolax @ 5:00 PM	10 mg Ducolax @5:00PM	not documented
4/17/06@5:00 PM	16378	500 mg Depakote ER @ 5:00PM 250 mg Depakote ER @ 5:00PM 5 mg Abilify @ 5:00 PM	1000 mg Depakote@ 5:00PM 500 mg Depakote @ 5:00PM 10 mg Abilify@ 5:00 PM	not documented not documented not documented
4/17/06@5:00 PM	EB	800 mg Neurontin @ 5:00 PM 40 mg Celexa @ 5:00 PM	1600 mg Neurontin@ 5:00PM 80 mg Celexa @ 5:00 PM	not documented not documented
4/17/06@5:00 PM	RI	50 mg Seroquel @ 5:00 PM 100 mg Seroquel@5:00 PM 600 mg Trileptol @ 5:00 PM	100 mg Seroguel @ 5:00 PM 200 mg Seroquel @ 5:00 PM 1200 mg Seroquel@5:00 PM	not documented not documented not documented
4/17/06@5:00 PM	NC	80 mg Geodon @ 5:00 PM	160 mg Geodon @ 5:00 PM	not documented
4/17/06@5:00PM	16390	600 mg Lithium @ 5:00PM	1200 mg Lithium @ 5:00PM	not documented

Respondent's conduct placed patients at risk of symptoms of overdose, which could result in complications in the treatment of the patient's disease process and a delay in recovery.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(C).

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CHARGE IV.

On or about April 17, 2006 through April 18, 2006, while employed with Evins Medical Staffing, Austin, Texas, and on assignment at Austin State School, Austin, Texas, Respondent failed to document the administration of medications in patients' Medication Administration Record as follows:

DATE/TIME	PATIENT	PHYSICIAN'S ORDER	AMOUNT ADMINISTERED PER MEDICATION ERROR REPORT	MAR
4/17/06@5:00PM	16387	600 mg Lithium @ 5:00 PM 200 mg Seroquel @ 5:00 PM	1200 mg Lithium @ 5:00PM 400 mg Seroquel @ 5:00PM	not documented not documented
4/18/06@ 5:00PM	16392	5 mg Ducolax @ 5:00 PM	10 mg Ducolax @5:00PM	not documented
4/17/06@5:00 PM	16378	500 mg Depakote ER @ 5:00PM 250 mg Depakote ER @ 5:00PM 5 mg Abilify @ 5:00 PM	1000 mg Depakote@ 5:00PM 500 mg Depakote @ 5:00PM 10 mg Abilify@ 5:00 PM	not documented not documented not documented
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4/17/06@5:00 PM	NC	80 mg Geodon @ 5:00 PM	160 mg Geodon @ 5:00 PM	not documented
4/17/06@5:00PM	16390	600 mg Lithium @ 5:00PM	1200 mg Lithium @ 5:00PM	not documented

Respondent's failure to document the administration of medications was likely to injure patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(D).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this

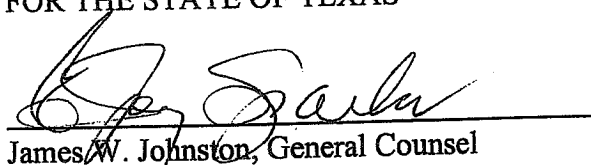
pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses regarding Theft & Deception which can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders 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 March 4, 2003.

Filed this 11th day of July, 2007

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

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

Attachments: Order of the Board dated March 4, 2003.

0999/D

BOARD OF VOCATIONAL
NURSE EXAMINERS

VS.

KIMIE G. HAGGARD

§
§
§
§
§
§

STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of KIMIE G. HAGGARD, an Applicant for Licensure by, endorsement hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been convicted of a crime of the grade of a misdemeanor that relates to the practice of vocational nursing and/or involves moral turpitude, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (3) (B), in the following manner:

I.

a. On or about September 3, 2002, Applicant submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the question asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?" On said Application, Applicant answered "no" to the question asking: "Have you ever had disciplinary action against your nursing license?" but enclosed evidence of disciplinary action by the Oklahoma Board of Nursing.

b. On September 15, 2000, Applicant was convicted of the Misdemeanor Offense of: DRIVING WHILE INTOXICATED – 2ND, in the County Court at Law #1 in Williamson County, Texas, under Cause Number 9963581. As a result of said conviction, Applicant was sentenced to 15 days of incarceration and probation for a period of 24 months.

AGREED BOARD ORDER
RE: KIMIE G. HAGGARD, ENDORSEMENT APPLICANT
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c. On September 15, 2000, Applicant was convicted of the Misdemeanor Offense of Assault Bodily Injury of Family Member in the County Court at Law #1 in Williamson County, Texas under Cause Number 9951601. As a result of said conviction, Applicant was sentenced to 30 days of incarceration concurrent with Cause Number 9963581.

d. On December 17, 1996, Applicant was convicted of the Misdemeanor Offense of Count I, Driving While Under the Influence of Intoxicating Liquor, Count II, Attempting to Elude, and Count III, Unlawful Possession of Marijuana in Case Number CM-96-591 in the District Court For Stephens County, State of Oklahoma. As a result of said conviction, Applicant was given a one (1) year deferred sentence for Count I, was placed on probation, and was fined \$200.00 for Count II, and received a one (1) year deferred sentence for Count III, and was placed on probation.

e. On May 28, 1997, an Application for Imposition of Judgment and Sentence was filed in Case Number CM-96-591, alleging a probation violation in that Applicant committed an offense of Intoxication, in the District Court For Stephens County, State of Oklahoma. As a result of said application, a hearing was conducted on November 24, 1997 resulting in a sentence of 30 days of confinement.

f. Applicant has been convicted of crimes, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said convictions are inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

g. On or about July 1, 1997, Applicant's license to practice licensed practical nursing in the State of Oklahoma lapsed. On or about September 24, 1997, the Oklahoma Board of Nursing denied Applicant's Application for Reinstatement based on the foregoing criminal convictions and the need for proof of sobriety.

By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

AGREED BOARD ORDER
RE: KIMIE G. HAGGARD, ENDORSEMENT APPLICANT
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By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, subject to ratification by the Board of Vocational Nurse Examiners that KIMIE G. HAGGARD, an Applicant for Licensure by Endorsement be, and same is hereby granted licensure as a vocational nurse in the State of Texas, upon meeting all requirements for endorsement. It is furthered ordered that, Applicant must provide proof of completion of a Chemical Dependency Program and Alcoholics Anonymous (A.A.) attendance within the two (2) past years. Upon receipt of said documented evidence of program completion, Said license shall be suspended, with said suspension stayed and placed on probation for a period of six (6) months.

The probation of said license is subject to the following stipulations, to wit:

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said Notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.

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RE: KIMIE G. HAGGARD, ENDORSEMENT APPLICANT
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3. That Applicant shall not practice nursing in a Nurse Licensure Compact remote state without obtaining prior written authority of both the BVNE and the Board of Nursing of the remote state.

4. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office.

5. That Applicant shall work only under the supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Applicant's shift assignment(s), throughout the term of probation.

6. That Applicant shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.

7. That Applicant shall through the Board's agent (NCPS, Inc.), submit to random blood alcohol drug screens.

8. That Applicant shall be responsible daily for telephoning NCPS, Inc., Voice Response (VR) at 1-800-580-1099. That said drug screen shall be administered through the policies and procedures of the National Confederation of Professional Services, Inc., (NCPS, Inc.), utilizing LabCorp facilities. That said drug-screening panel shall consist of the following:

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

Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Applicant. Any report of failure to contact NCPS, Inc., and/or a positive drug screen for which the Applicant does not have a valid prescription, will be regarded as non-compliance with the terms of this Order and may subject the Applicant to further disciplinary action by the Board.

9. That Applicant shall successfully complete nursing program course(s) encompassing the following areas of study: **Nursing Refresher** (at least 6 weeks in length, to include a Clinical Rotation), and Supervised Employment in accordance with Rule 235.48 (c), submit documentation of successful course completion and supervised employment reports to the Board office within the first six (6) months of probation. Applicant shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be

AGREED BOARD ORDER
RE: KIMIE G. HAGGARD, ENDORSEMENT APPLICANT
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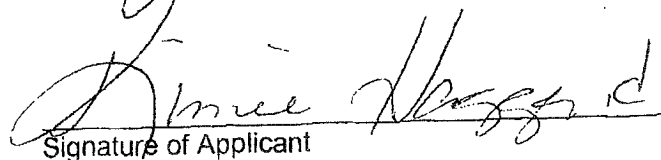
through correspondence (through a recognized provider), in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Applicant. Failure to successfully complete said course(s) within the time frame stipulated, shall be considered a violation of probation.

10. That Applicant pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Applicant's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Applicant to make any quarterly payment on time shall constitute a violation of Probation.

11. That Applicant shall return their license to the Board office for a replacement license marked "**PROBATION**" and pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said return of license and fee shall be made not later than thirty (30) days following the date of the Board's ratification of the Agreed Board Order. Said license and fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Applicant to return said license or pay said fee shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 13th day of Jan, 2003.


Signature of Applicant

AGREED BOARD ORDER
RE: KIMIE G. HAGGARD, ENDORSEMENT APPLICANT
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829 Park Plaza Apt 222
Current Address

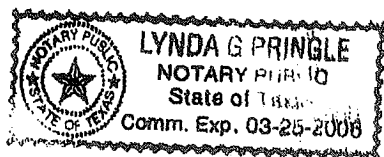
Austin, Texas 78753
City, State and Zip

512, 836-8197
Area Code and Telephone Number

The State of Texas
County of Tarrant

Before me, the undersigned authority, on this day personally appeared KIMIE G. HAGGARD, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 13th day of January, 2003.



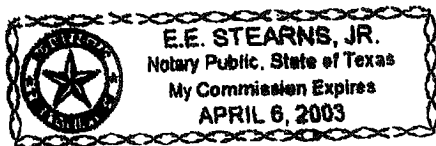
Lynda G. Pringle
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AGREED BOARD ORDER
RE: KIMIE G. HAGGARD, ENDORSEMENT APPLICANT
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Terrie L. Hairston

Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the
04 day of MAR, 2003.

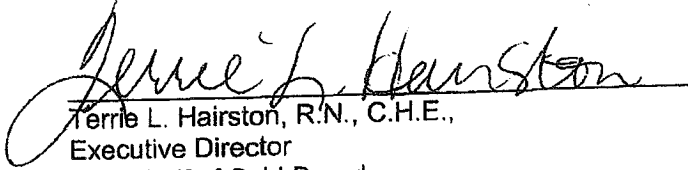


[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

BOARD ORDER
RE: KIMIE G. HAGGARD, ENDORSEMENT APPLICANT
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 13th day of January, 2003 by KIMIE G. HAGGARD, Applicant and that Said Order is Final.

Effective this 4th day of March, 2003.


Terrie L. Hairston, R.N., C.H.E.,
Executive Director
On Behalf of Said Board



BOARD OF VOCATIONAL NURSE EXAMINERS
333 GUADALUPE STREET, SUITE 3-400
AUSTIN, TEXAS 78701
(512) 305-8100

December 19, 2003

KIMIE HAGGARD
2314 WHITLOW COVE
ROUND ROCK TX 78761

Dear Ms. Haggard:

You have successfully completed your term of probation as stipulated by the Board of Vocational Nurse Examiners.

All pertinent information will remain in your permanent records. We urge you in the future to promote and uphold the ethical standards a Licensed Vocational Nurse should practice.

If you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Hudson".

Carolyn Hudson
Probation Monitor, Enforcement Division

/ch