

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 689204	§	
issued to KIMBERLY JOY VOGEL	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY JOY VOGEL, Registered Nurse License Number 689204, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on November 15, 2007, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Vanderbilt University, Nashville, Tennessee, on December 11, 1992, and received a Master's Degree in Nursing from Vanderbilt University, Nashville, Tennessee, on August 6, 1993. Respondent was licensed to practice professional nursing in the State of Tennessee on March 17, 1993; was licensed to practice professional nursing in the State of Colorado on June 27, 1995; was licensed to practice professional nursing in the State of Arizona on September 30, 1998; and was licensed to practice professional nursing in the State of Texas on August 1, 2002; and became Board recognized as a Clinical Nurse Specialist in Adult Nursing in the State of Texas on June 4, 2007.

5. Respondent's nursing employment history includes:

1993	Staff Nurse	St. Thomas Hospital Nashville, Tennessee
07/1993 - 02/1996	Clinical Nurse	United States Army Ft. Carson, Colorado
02/1996 - 07/1998	Supervisory Clinical Nurse	Phoenix Indian Medical Center Chinle, Arizona
07/1998 - 10/2002	Element Chief / Deputy Flight Commander	United States Air Force Tinker Air Force Base, Oklahoma
10/2002 - 2003	Manager, Critical Care Service	Corpus Christi Medical Center Corpus Christi, Texas
03/2003 - 03/2007	Director of Operative Services	CHRISTUS Spohn Hospital Corpus Christi, Texas
03/2007 - 12/2007	Nursing Educator	Wuerzburg Army Health Clinic Wuerzburg, Germany

6. On or about January 17, 2007, Respondent submitted to the Board an application for authorization to practice as an Advanced Practice Nurse in which she mistakenly indicated that she had completed the 400 hours of practice in the role of Clinical Nurse Specialist in Adult Health Nursing, as required for Board approval. Respondent's conduct misrepresented her experience and affected the Board's decision regarding her application, which resulted in Respondent being granted authorization for Advanced Practice for a role in which she lacked the required experience.
7. In response to the incident in Finding of Fact Number Six (6), Respondent states that she misunderstood the question regarding the 400 hours of practice, and believed that it referred to her functioning in an "Advanced Practice Nurse" role by virtue of her being a Master's prepared nurse who received her degree in 1993, and who has filled the roles of educator, mentor, researcher, leader, and collaborator at the level "above" a Baccalaureate-prepared nurse. Respondent indicates that she has not, even after obtaining the Board authorization, managed, diagnosed or prescribed medication, and that she takes full responsibility for any misrepresentation, however unintentional.
8. Respondent, by her signature to this Order, expresses her willingness to voluntarily surrender her authorization to practice as a Clinical Nurse Specialist in Adult Nursing in the State of Texas.

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 violations of Section 301.452(b)(2),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A), 217.12(6)(H)&(6)(I), and 221.4(a).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 689204, heretofore issued to KIMBERLY JOY VOGEL, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT'S authorization to practice as a Clinical Nurse Specialist in Adult Nursing is hereby VOLUNTARILY SURRENDERED. RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to KIMBERLY JOY VOGEL to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact 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 Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT 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 RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. 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.

(4) RESPONDENT SHALL NOT practice as an advanced practice nurse, or use the title "Clinical Nurse Specialist" or the abbreviation "CNS," or wear any insignia identifying herself as an advanced practice nurse or clinical nurse specialist, or use any designation that, directly or indirectly, would lead any person to believe that RESPONDENT is an advanced practice nurse or clinical nurse specialist during the period in which the advanced practice authorization is surrendered. For the purpose of this Order, advanced practice nursing is described in 22 TEX. ADMIN. CODE § 221.1(3).

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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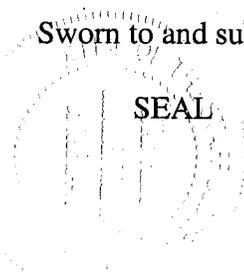
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RESPONDENT'S CERTIFICATION

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 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of December, 2007.
Kimberly Joy Vogel
KIMBERLY JOY VOGEL, Respondent

Sworn to and subscribed before me this 12th day of DECEMBER, 2007.



Elizabeth M. Holt
Notary Public in and for the State of U.S. ARMY
ELIZABETH M. HOLT
SERGEANT, U.S. Army
Legal NCOUPAR 27-55, Para 2-2a(2)
10 USC 1044A

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 12th day of December, 2007, by KIMBERLY JOY VOGEL, Registered Nurse License Number 689204, and said Order is final.

Effective this 19th day of December, 2007.

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

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