

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered §
License Number 672290 § AGREED
issued to DAMIAN LANE KETCHAM § ORDER

On this day the Texas Board of Nursing for the State of Texas, hereinafter referred to as the Board, considered the matter of DAMIAN LANE KETCHAM, Registered Nurse License Number 672290, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(12), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on November 5, 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 informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree from Texas A&M University, Corpus Christi, Texas, on May 1, 2000. Respondent was licensed to practice professional nursing in the State of Texas on August 22, 2000.
5. Respondent's nursing employment history includes:

June 2000 - June 2003

GN/RN
Christus Spohn Shoreline
Corpus Christi, Texas

Respondent's professional nursing employment history (continued):

October 2003 - Present

RN
Metropolitan Methodist Hospital
San Antonio, Texas

March 2007 - June 2007

RN
North East Baptist Hospital
San Antonio, Texas

6. On or about August 30, 2004, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which he answered "No" to the following question: "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations."

On or about December 4, 2003, Respondent was arrested for the misdemeanor offense of Driving While Intoxicated in San Antonio, Texas. He pled not guilty to the charge, which was his plea on August 30, 2004. After the trial, on September 25, 2005, he was convicted of the offense of Driving While Intoxicated, a misdemeanor, in the County Court at Law #8, Bexar County, Texas, Cause #870515. Respondent was sentenced to six (6) months in jail, assessed a fine in the amount of \$850.00 and ordered to pay court costs in the amount of \$301.00. Respondent was placed on probation for eighteen (18) months. On April 5, 2007, Respondent was discharged from probation.

7. On or about September 1, 2006, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she answered "Yes" to the following question: "Have you ever been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)"
8. Respondent disclosed the following criminal history to wit:

On or about September 28, 2005, Respondent was convicted of the offense of Driving While

Intoxicated, a misdemeanor, in the County Court at Law #8, Bexar County, Texas, Cause 870515. Respondent was sentenced to six (6) months in jail, assessed a fine in the amount of \$850.00 and ordered to pay court costs in the amount of \$301.00. Respondent was placed on probation for eighteen (18) months. On April 5, 2007, Respondent was discharged from probation.

9. Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
10. On or about September 1, 2006, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which he answered "Yes" to the following question: " In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug?"

Respondent had completed the Bexar County Antabuse Program for a period of sixty (60) days. In a letter dated May 25, 2007, Clifford B. Melton, LPC, CEAP, CCDS, SAP, Director, Professionals' Assistance Program, The Connection Center, Inc., San Antonio, Texas, states he has met with Respondent regularly since May 11, 2006. The initial assessment, on May 11, 2006, indicated Substance Abuse within the past year. Mr. Melton referred Respondent to the Alcohol Rehabilitation Center Intensive Outpatient Treatment, which he successfully completed on November 9, 2006. Respondent attends AA meetings two times per week, has a sponsor and is working the steps. Respondent was subject to random alcohol and drug testing and Respondent was randomly tested several times. Respondent passed all alcohol and drug testing.

11. Respondent's completion of the Bexar County Antabuse Program, completion of the Alcohol Rehabilitation Center Intensive Outpatient Treatment program, therapy with Clifford B. Melton and attendance at AA meetings should be sufficient to protect patients and the public. Respondent is further required to continue therapy through Clifford B. Melton once a month and to attend AA meetings once a week through March 2008.

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)(1)&(12).
4. The evidence received may have been sufficient cause pursuant to Section 301.452(b),

Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 672290, heretofore issued to DAMIAN LANE KETCHAM.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of WARNING WITH STIPULATIONS, and 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 Professional 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 professional 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 State of Texas 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 DAMIAN LANE KETCHAM 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS

FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of 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 an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(5) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month.

Specimens shall be screened for at least the following substances:

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

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT 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. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation 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. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(6) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT'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 RESPONDENT is dismissed from therapy.

(7) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and 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) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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 professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation 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 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 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 27th day of November, 2007.

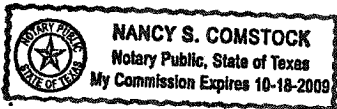
Damian Lane Ketcham
DAMIAN LANE KETCHAM, Respondent

Sworn to and subscribed before me this 27 day of November, 2007.

SEAL

Nancy S. Comstock

Notary Public in and for the State of Texas



Approved as to form and substance.


Lea A. Ream

Lea A. Ream, Attorney for Respondent

Signed this 27th day of November, 2007.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of November, 2007, by DAMIAN LANE KETCHAM, Registered Nurse License Number 672290, and said Order is final.

Effective this 17th day of January, 2008.



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