

Respondent's nursing employment history continued:

06/2003 - 11/2003	Home Health Nurse	Jordan Home Health Longview, Texas
12/2003 - 07/2004	Unknown	
08/2004 - 09/2005	Staffing Coordinator	Texas Home Health Longview, Texas
01/1005 - 01/2006	Substitute School Nurse	Magnolia Independent School District Magnolia, Texas
02/2006 - 03/2006	Unknown	
04/2006 - 05/2006	Staff Nurse	The Pointe Webster, Texas
05/2006	Staff Nurse	Friendship Haven Friendswood, Texas
06/2006 - 10/2006	Unknown	
11/2006 - 05/2007	Staff Nurse	Davita Meridian Dialysis La Porte, Texas
06/2007	Staff Nurse	Fresenius Medical Center Houston, Texas
07/2007 - Present	Unknown	

5. Formal Charges were filed on March 18, 2008. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
6. Formal Charges were mailed to Respondent on March 20, 2008.
7. On May 5, 2008, Respondent submitted a notarized statement to the Board voluntarily surrendering her license to practice vocational nursing in Texas. A copy of Respondent's notarized statement, dated April 30, 2008, is attached and incorporated by reference as part of this Order.
8. The Board policy implementing Rule 213.29 in effect on the date of this 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.

10. 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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B), (1)(C),(1)(D)&(2)(A) and 217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H),(6)(I),(10)(A), (10)(D)&(11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§ 213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 82384, heretofore issued to KERRI LYNN BIDDLE, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to KERRI LYNN BIDDLE, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. 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.
4. 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 licensure privilege, if any, to practice vocational nursing in compact states.

Effective this 9th day of May, 2008.

TEXAS BOARD OF NURSING

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

Kerri Lynn Biddle
7547 Morley #B
Houston, Texas 77061-2808
Texas Vocational License #82384

April 14, 2008

Dear Board of Nurse Examiners:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Kerri Biddle

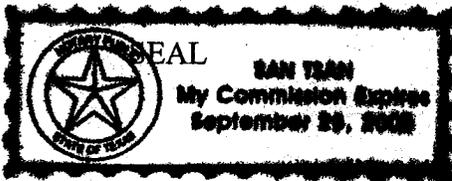
Date 4-30-08

Texas Vocational License Number 82384

The State of Texas

Before me, the undersigned authority, on this date personally appeared Kerri Lynn Biddle who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 30th day of APRIL, 2008.



[Signature]
Notary Public in and for the State of Texas

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 82384, Issued to §
KERRI LYNN BIDDLE, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KERRI LYNN BIDDLE, is a Vocational Nurse holding license number 82384, which is in "delinquent" 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.

On or about September 12, 2005, upon admission to Riverside General Hospital, Houston, Texas, for inpatient treatment of alcohol withdrawal, Respondent produced a specimen for a drug screen that resulted positive for Benzodiazepines and for which Respondent had no lawful prescription. Possession and use of Benzodiazepines, without a lawful prescription, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(1)(A),(1)(B)&(10)(D).

CHARGE II.

On or about October 18, 2005, upon a subsequent admission to Riverside General Hospital, Houston, Texas, for inpatient treatment of alcohol withdrawal, Respondent produced a specimen for a drug screen that resulted positive for Benzodiazepines and for which Respondent had no lawful prescription. Possession and use of Benzodiazepines, without a lawful prescription, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(1)(A),(1)(B)&(10)(D).

CHARGE III.

On or about March 22, 2006, Respondent submitted a licensure renewal application to the Board in which she falsely answered "no" to Renewal Question Number Four (4), which asked, in relevant part:

"In the past five years, have you been addicted (to) or treated for the use of alcohol or any other drug?"

On or about September 12, 2005, Respondent was treated for alcohol withdrawal at Riverside General Hospital, Houston, Texas, after six (6) months of "alcohol abuse and addiction."

On or about October 18, 2005, Respondent was again treated for alcohol withdrawal at Riverside General Hospital, Houston, Texas, after having relapsed after the evacuation from Hurricane Rita.

Respondent's conduct was deceptive and may have influenced the Board's decision regarding renewal of her license to practice vocational nursing in the State of Texas.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2),(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(6)(H)&(6)(I).

CHARGE IV.

On or about May 29, 2006, while employed as a Staff Nurse with Friendship Haven, Friendswood, Texas, Respondent erroneously administered 80 Units of Novolog Insulin to Patient MR, instead of 8 Units, as ordered by the physician. Although Respondent was able to correctly state the ordered dose to the nurse who was orienting her, when asked to show on the syringe the amount she administered, Respondent pointed to 80 Units on the syringe. The patient subsequently had two episodes of emesis and was later transported to the hospital. Respondent's conduct may have harmed the patient from adverse reactions to an overdose of Insulin, including possible demise.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(C)&(2)(A) and 217.12(1)(A),(1)(B)&(4).

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CHARGE V.

On or about May 29, 2006, while employed as a Staff Nurse with Friendship Haven, Friendswood, Texas, Respondent falsely documented in the medical record of Patient MR that she had administered 8 Units of Novolog Insulin rather than the 80 Units that she had actually administered, and when instructed to document the incident in an incident report, Respondent falsely documented that she had administered .8 Units of Novolog Insulin. Respondent's conduct was deceptive and resulted in an inaccurate medical record.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(D) and 217.12(1)(A),(1)(B),(1)(C)&(6)(A).

CHARGE VI.

On or about June 22, 2007, Respondent engaged in the intemperate use of Oxazepam in that she produced a specimen for a pre-employment drug screen with Fresenius Medical Care, Houston, Texas, that resulted positive for Oxazepam. Possession of Oxazepam without a lawful prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Oxazepam by a vocational nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(1)(A),(1)(B),(10)(A),(10)(D)&(11)(B).

CHARGE VII.

On or about July 16, 2007, upon admission to Memorial Hermann Southeast Hospital, Houston, Texas, for treatment of altered mental status, Respondent produced a specimen for a "drugs of abuse" screen that resulted positive for Opiates, and for which Respondent had no lawful prescription. Possession and use of Opiates, without a lawful prescription, are prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(1)(A),(1)(B)&(10)(D).

CHARGE VIII.

On or about October 21, 2007, upon subsequent admission to Memorial Hermann Southeast Hospital, Houston, Texas, for treatment of altered mental status, Respondent produced a specimen for a "drugs of abuse" screen that resulted positive for Benzodiazepines and Opiates, and for which Respondent had no lawful prescriptions. Possession and use of Benzodiazepines and Opiates, without lawful prescriptions, are prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(1)(A),(1)(B),(10)(D)&(11)(B).

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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.bon.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 with Chemical Dependency, for Lying and Falsification, Fraud, and for Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

Filed this 18th day of March, 2008.

TEXAS BOARD OF NURSING



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Attachments:

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