

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 240495 §
and Vocational Nurse License Number 58449 § AGREED
issued to KAREN ANN FLIPPO § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that KAREN ANN FLIPPO, hereinafter referred to as Respondent, Registered Nurse License Number 240495 and Vocational Nurse License Number 58449, may have violated Section 301.452(b)(10)&(12), Texas Occupations Code.

An informal conference was held on January 29, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director, Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Denise Benbow, MSN, RN, Nurse Consultant; Scott Torres, Investigator; and Randi P. Capone, Investigator.

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 notice and hearing, and consented to the entry of this Order.
- 3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Denton School of Vocational Nursing, Denton, Texas, on September 5, 1973. Respondent was licensed to practice vocational nursing in the State of Texas on October 19, 1973. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on May 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on September 1, 1977.

5. Respondent's vocational and professional nursing employment history includes:

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|-----------------|-----------------|---|
| 10/1973 - 1985 | Unknown | |
| 1986 - 1990 | RN | Office of F.J. Charney, M.D. Denton, Texas |
| 1990 - 1991 | RN | Kaiser Permanente San Diego, California |
| 1991 - 1992 | RN | Baylor Parkside Lodge Argyle, Texas |
| 1993 - 1994 | Unknown | |
| 1995 | RN | Parkland Memorial Hospital Dallas, Texas |
| 1996 - 1997 | Unknown | |
| 1998 - 2000 | RN (Substitute) | Lewisville ISD Lewisville, Texas |
| 1999 - 2002 | RN | Lake Forest Good Samaritan Village Denton, Texas |
| 2003 - 03/2007 | Unknown | |
| 04/2007 | RN | Denton Rehabilitation Center Denton, Texas |
| 05/07 - present | RN (Substitute) | Lewisville ISD Lewisville, Texas |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Denton Rehabilitation Center, Denton, Texas, and had been in this position for approximately nine (9) days.

7. On or about April 11, 2007, while employed with Denton Rehabilitation Center, Denton, Texas, Respondent lacked fitness to practice professional nursing in that Respondent exhibited impaired behavior while on duty, including, but not limited to: falling asleep and barely being able to keep her eyes open. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. In response to the events in Findings of Fact Number Seven (7), Respondent states that April 11, 2007 was her third day of work at Denton Rehabilitation Center and she had gotten up at 5:45 am for work. Respondent states she was nervous about having a new job and had not been sleeping well. Respondent went to bed early on April 10, 2007 to try and get a good night's rest. However, she was sleepy at the work desk on April 11, 2007 and another Licensed Vocational Nurse (LVN) asked if she was tired. Respondent told the LVN that she had not been sleeping well the past two (2) nights and went to bed early the previous night before eating dinner. Respondent was told to get a coffee and a candy bar, which she did and felt better. However, when she returned to the desk, she was sent home.
9. Respondent is currently under the care of Timothy K. Wolff, M.D., and is being treated for Major Depressive Disorder, recurrent, mild, and Dysthymic Disorder. Dr. Wolff states that Respondent is doing well, and is able to function in her personal life and as a nurse.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E)&(5).
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 240495, and Vocational Nurse License Number 58449 heretofore issued to KAREN ANN FLIPPO, including revocation of Respondent's licenses to practice professional and vocational 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 a 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 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 compact states.

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 KAREN E. FLIPPO, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order. for appropriate notation.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL 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 A REGISTERED NURSE (RN) LICENSE OR VOCATIONAL NURSE

(LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(2) 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 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.

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

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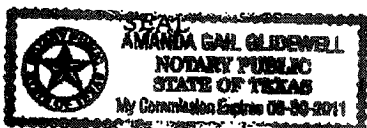
RESPONDENT'S CERTIFICATION

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

Signed this 30 day of April, 2008.

Karen Ann Flippo
KAREN ANN FLIPPO, Respondent

Sworn to and subscribed before me this 30 day of April, 2008.



Amanda Gail Glidewell
Notary Public in and for the State of Texas

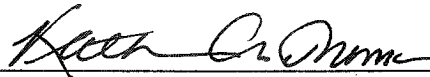
Approved as to form and ^{new} substance.

Nancy Roper Willson
NANCY ROPER WILLSON, Attorney for Respondent

Signed this 30 day of April, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30th day of April, 2008, by KAREN ANN FLIPPO, Registered Nurse License Number 240495 and Vocational Nurse License Number 58449, and said Order is final.

Effective this 10th day of June, 2008.



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

