

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 639512 § AGREED
issued to SHERRY KIM KEEN § ORDER



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHERRY KIM KEEN, Registered Nurse License Number 639 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 6, 2011, 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 proceedings, 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 an Associate Degree in Nursing from New Mexico State Junior College, Hobbes, New Mexico, on May 1, 1993. Respondent was licensed to practice professional nursing in the State of Texas on April 16, 1997.
5. Respondent's professional nursing employment history includes:

05/93 - 06/00	RN	Regional Medical Center Hobbs, NM
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Respondent's professional nursing employment history (continued):

06/00 - 08/03	RN	Independent Nursing Services North Richland Hills, TX
08/03 - 12/04	RN	Abilene Regional Medical Center Abilene, TX
04/05 - 04/07	RN	Abilene Regional Medical Center Abilene, TX
5/07 - present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Abilene Regional Medical Center, Abilene, Texas, and had been in this position for approximately two (2) years.
7. On or about March 16, 2007 through March 25, 2007, while employed with Abilene Regional Medical Center, Abilene, Texas, Respondent withdrew Demerol from the Medication Dispensing System (Accudose) for patients, but failed to completely and accurately document the administration, including signs, symptoms and responses to the medication in the patients' Medication Administration Records (MARs), Nurses Notes, or both, as follows:

Date	Patient Medical Record Number	Physician's Order	Medication Dispensing System (Acudose)	Medication Administration Record (MAR)	Nurse's Notes	Wastage
03/16/07	000303838	Demerol 50mg IVP q 3-4 Hrs prn headache	(1) Meperidine HCL 50mg Inj @ 08:15	Not documented as administered.	Not documented as administered.	None.
03/16/07	000303838	Demerol 50mg IVP q 3-4 Hrs prn headache	(1) Meperidine HCL 50mg Inj @ 12:11	Documented as administered @ 13:15	"50mg Demerol given IVP for c/o headache" @ 13:15	"Order changed by M.D." 50mg wasted @ 17:51
03/16/07	000259744	Demerol 100mg IM now or Q 6hrs PRN	(1) Meperidine HCL 100mg Inj @ 17:01	Documented as administered @ 19:05	"100mg Demerol given IM" @ 19:05	None.
03/20/07	000225062	Demerol Inj 100mg IM q 3 Hrs PRN pain	(1) Meperidine HCL 100mg Inj @ 07:19	"25mg IVP" @ 9:00 and "25mg IVP"	Not documented as administered.	"Partial Dose" 50mg wasted @ 10:48
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 50mg Inj @ 07:21	Not documented as administered.	Not documented as administered.	None.
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 100mg Inj @ 10:10	"50mg" @ 12:00	"50mg Demerol given IVP for c/o pain with contractions" @ 12:00	None.

03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 50mg Inj@ 13:31	Not documented as administered.	Not documented as administered.	None.
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 100mg Inj@ 15:40	Not documented as administered.	Not documented as administered.	"Patient refused" 100mg wasted @ 18:25
03/23/07	000274830	Demerol 50mg IVP q 3 hrs PRN pain	(1) Meperidine HCL 100mg Inj @ 17:27	Not documented as administered.	Not documented as administered.	None.
03/25/07	000353927 *	None.	(1) Meperidine HCL 100mg Inj @ 07:56	Not documented as administered.	Not documented as administered.	"Partial Dose/Order changed by M.D." 100mg wasted @ 12:22

* Patient was not assigned to Respondent

Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

8. On or about March 16, 2007 through March 23, 2007, while employed with Abilene Regional Medical Center, Abilene, Texas, Respondent withdrew Demerol from the Medication Dispensing System (Accudose) for patients, but failed to follow the policy and procedure for the wastage of the medication, as follows:

Date	Patient Medical Record Number	Physician's Order	Medication Dispensing System (Acudose)	Medication Administration Record (MAR)	Nurse's Notes	Wastage
03/16/07	000303838	Demerol 50mg IVP q 3-4 Hrs prn headache	(1) Meperidine HCL 50mg Inj @ 08:15	Not documented as administered.	Not documented as administered.	None.
03/16/07	000303838	Demerol 50mg IVP q 3-4 Hrs prn headache	(1) Meperidine HCL 50mg Inj @ 12:11	Documented as administered @ 13:15	"50mg Demerol given IVP for c/o headache" @ 13:15	"Order changed by M.D." 50mg wasted @ 17:51
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 50mg Inj@ 07:21	Not documented as administered.	Not documented as administered.	None.
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 100mg Inj@ 10:10	"50mg" @ 12:00	"50mg Demerol given IVP for c/o pain with contractions" @ 12:00	None.
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 50mg Inj@ 13:31	Not documented as administered.	Not documented as administered.	None.
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 100mg Inj@ 15:40	Not documented as administered.	Not documented as administered.	"Patient refused" 100mg wasted @ 18:25

03/23/07	000274830	Demerol 50mg IVP q 3 hrs PRN pain	(1) Meperidine HCL 100mg Inj @ 17:27	Not documented as administered.	Not documented as administered.	None.
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Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

9. On or about March 16, 2007 through March 25, 2007, while employed with Abilene Regional Medical Center, Abilene, Texas, Respondent withdrew Demerol from the Medication Dispensing System (Accudose) for patients in excess frequency and/or dosage of the physician's order, as follows:

Date	Patient Medical Record Number	Physician's Order	Medication Dispensing System (Acudose)	Medication Administration Record (MAR)	Nurse's Notes	Wastage
03/16/07	000303838	Demerol 50mg IVP q 3-4 Hrs prn headache	(1) Meperidine HCL 50mg Inj @ 07:00	Documented as administered @ 07:05	"50mg Demerol given IVP for c/o headache" @ 07:15	None.
03/16/07	000303838	Demerol 50mg IVP q 3-4 Hrs prn headache	(1) Meperidine HCL 50mg Inj @ 08:15	Not documented as administered.	Not documented as administered.	None.
03/16/07	000303838	Demerol 50mg IVP q 3-4 Hrs prn headache	(1) Meperidine HCL 50mg Inj @ 09:41	Documented as administered @ 10:15	"50mg Demerol given IVP for c/o headache" @ 10:15	None.
03/16/07	000259744	Demerol 100mg IM now or Q 6hrs PRN	(1) Meperidine HCL 100mg Inj @ 14:08	Documented as administered @ 14:30	"100mg Demerol given IM" @ 14:30	None.
03/16/07	000259744	Demerol 100mg IM now or Q 6hrs PRN	(1) Meperidine HCL 100mg Inj @ 17:01	Documented as administered @ 19:05	"100mg Demerol given IM" @ 19:05	None.
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 50mg Inj@ 06:51	"50mg IVP" @ 07:00	"50mg Demerol given IVP for c/o pain with contractions" @ 07:00	None.
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 50mg Inj@ 07:21	Not documented as administered.	Not documented as administered.	None.
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 100mg Inj@ 08:38	"50mg IVP" @ 09:30	"50mg Demerol given IVP for c/o pain with contractions" @ 09:30	None.
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 100mg Inj@ 10:10	"50mg" @ 12:00	"50mg Demerol given IVP for c/o pain with contractions" @	None.

					12:00	
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 50mg Inj@ 13:31	Not documented as administered.	Not documented as administered.	None.
03/23/07	000151134	Demerol 50mg IVP q 3 hrs PRN	(1) Meperidine HCL 100mg Inj@ 15:40	Not documented as administered.	Not documented as administered.	"Patient refused" 100mg wasted @ 18:25
03/25/07	000353927 *	None.	(1) Meperidine HCL 100mg Inj @ 07:56	Not documented as administered.	Not documented as administered.	"Partial Dose/Order changed by M.D." 100mg wasted @ 12:22

* Patient was not assigned to Respondent

Respondent's conduct was likely to injure the patient in that the administration of narcotics in excess frequency/dosage of the physicians' orders could result in the patient suffering from adverse reactions.

10. On or about March 16, 2007 through March 23, 2007, while employed with Abilene Regional Medical Center, Abilene, Texas, Respondent failed to take precautions to prevent the misappropriation of Demerol. Respondent's conduct was likely to defraud the facility and the patients of the cost of the medication.
11. As a response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent states that if she failed to document in the Nurses' Notes, it was an exception to her usual charting. Respondent states that she always attempted to follow the policies and procedures in regards to wasting medication. Respondent states that she may have forgotten to enter the wastage in the Accudose system on an extremely busy day. Additionally, Respondent admits that there were times when she withdrew more than was ordered so as to give multiple doses. Respondent states she would remove medication at a convenient time, but would not give the medication until the appropriate time. Respondent denies misappropriating Demerol.
12. On or about August 19, 2010, Respondent submitted for an assessment and evaluation with Eugene A. Degner, M.D., Bellaire, Texas. Dr. Degner states that Respondent openly admitted having developed an addiction to Demerol, which involved a rather heavy daily IV use of Demerol, including diversion of the drug, over a two (2) month period in 2004. Dr. Degner states that since then, Respondent had enrolled in TPAPN in January of 2005, she checked herself into an intensive out-patient chemical dependency program, and denies any opiate drug use since 2004. Dr. Degner states that a hair sample taken from Respondent on August 9, 2010 and was negative to all addictive substances. At the present time, Respondent's only medications include Topamax for migraine headache prevention and Zomig for an acute migraine attack. Dr. Degner states that Respondent is active still in her recovery group, and in his medical opinion, states that Respondent has and is dealing well with her addiction to Demerol and is in excellent recovery. Dr. Degner states there is no medical reason for Respondent to be prevented from continuing to practice her profession in nursing and is in no danger to herself or others.

13. On or about November 15, 2010, Respondent underwent a psychological evaluation with J. Ray Hays, Ph.D., J.D., Houston, Texas, and Karen A. Lawson, M.P.H., Ph.D., a licensed psychologist in Texas and Assistant Professor of Psychiatry and Behavioral Sciences at Baylor College of Medicine. Dr. Hays states that psychological testing and the results of the SASSI both yielded findings entirely within normal limits. Dr. Hays states that Respondent took full responsibility for her drug dependence throughout the interview with her and did not try to minimize or place blame elsewhere. Dr. Hays states Respondent is currently not exposed to the same stressors which were present when her earlier drug use occurred. Dr. Hays states that it is his opinion that Respondent is capable of working as a licensed nurse and is capable of avoiding behaviors that constitutes unprofessional conduct.

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 violation of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(D)(iv), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(6)(G),(8),(10)(C)&(11)(B).
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 639512, heretofore issued to SHERRY KIM KEEN, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.*, and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, 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 nurse licensure compact 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, 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) 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; 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/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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/disciplinaryaction/stipscourses.html>

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://learningext.com/hives/a0f6f3e8a0/summary>.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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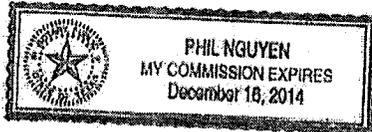
RESPONDENT'S CERTIFICATION

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 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 14th day of March, 2011.
Sherry Kim Keen
SHERRY KIM KEEN, Respondent

Sworn to and subscribed before me this 14 day of MARCH, 2011.

SEAL



[Signature]
NOTARY ONLY.
Notary Public in and for the State of TX

Approved as to form and substance:
[Signature]
DAN LYPE, Attorney for Respondent

Signed this 21 day of March, 2011.

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 14th day of March, 2011, by SHERRY KIM KEEN, Registered Nurse License Number 639512, and said Order is final.

Effective this 23 day of March, 2011.



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