

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 192508
ISSUED TO
KRISTIN LYNN ARAGON

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



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.
Patricia A. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Kristin Lynn Aragon
705 Sunset Terrace
Amarillo, TX 79106

During open meeting held in Austin, Texas, on Tuesday, February 8, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 192508, previously issued to KRISTIN LYNN ARAGON, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 8th day of February, 2011.



TEXAS BOARD OF NURSING

Katherine A. Thomas

BY:

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed November 23, 2010.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Kristin Lynn Aragon
705 Sunset Terrace
Amarillo, TX 79106



BY:

Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 192508, Issued to §
KRISTIN LYNN ARAGON, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KRISTIN LYNN ARAGON, is a Vocational Nurse holding license number 192508, which is in current 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 July 7, 2009, while employed as a Licensed Vocational Nurse with Plum Creek Specialty Hospital, Amarillo, Texas, and while enrolled in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of Tramadol in that she submitted a specimen for a random drug screen which resulted positive for Tramadol. Possession of Tramadol without a lawful prescription is prohibited by Chapter 483 of the Texas Health and Safety Code (Dangerous Drugs Act). The use of Tramadol by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, 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), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A)&(D)&(11)(B).

CHARGE II.

On or about July 7, 2009, Respondent failed to comply with the Agreed Order issued to her on March 5, 2009, by the Texas Board of Nursing. Respondent's non-compliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) in that she submitted a specimen for a random drug screen which resulted positive for Tramadol. Stipulation Number Three (3) of the Agreed Order, dated March 5, 2009, reads in pertinent part:

- (3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

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

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to 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 Section 301.461, Texas Occupations Code. 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 (\$1,200.00).

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.

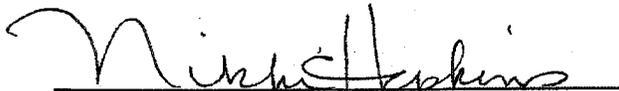
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order, dated March 5, 2009.

Filed this 23rd day of November, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board, dated March 5, 2009
0999/D

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 192508 § AGREED
issued to KRISTIN LYNN ARAGON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KRISTIN LYNN ARAGON, Vocational Nurse License Number 192508, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 30, 2009, 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 proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from U.S. Army Reserve, San Antonio, Texas, on December 9, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on February 13, 2004.
5. Respondent's complete vocational nursing employment history is currently unknown.

6. On or about November 24, 2006, through November 26, 2006, while employed as a Licensed Vocational Nurse with Northwest Texas Healthcare System, Amarillo, Texas, Respondent lacked fitness to practice vocational nursing in that she had difficulty speaking, had slow and drawn out speech, and acted in a strange manner. 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.
7. In response to Finding of Fact Number Six (6), Respondent states that she recalls being in an extremely good mood and was singing and laughing with her peers. Respondent states that when she was escorted off the floor by her supervisor, she was very quiet and did not engage in conversation with her. Respondent states that she was scared and was unaware of why she was being pulled from her assignment.
8. On or about November 26, 2006, while employed as a Licensed Vocational Nurse with Northwest Texas Healthcare System, Amarillo, Texas, Respondent engaged in the intemperate use of Cocaine in that she produced a specimen for a drug screen which resulted positive for Cocaine. Possession of cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of cocaine by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. In response to Finding of Fact Number Eight (8), Respondent admits to experimenting with cocaine three (3) days before the drug screen. Respondent states that she acknowledges her wrong doing and has not used cocaine since the incident. Respondent states that she passed a drug screen for another employer and has since passed all drug screens. Respondent states that she regrets this incident and realizes the severity of her actions and that she endangered her life, as well as her patients'.
10. On or about November 24, 2006, through November 26, 2006, while employed as a Licensed Vocational Nurse with Northwest Texas Healthcare System, Amarillo, Texas, Respondent attempted to misappropriate Phenergan for her own personal use by soliciting other nurses to obtain the medication for her. Additionally, while off duty, Respondent attempted to remove Phenergan from the medication dispensing system (Pyxis). Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
11. In response to Finding of Fact Number Ten (10), Respondent states that she has chronic kidney stones and that Phenergan was the only thing that helped her sleep. Again, Respondent states that she regrets her actions and realizes the severity and consequences of her actions.

12. On or about November 24, 2006, through November 26, 2006, while employed as a Licensed Vocational Nurse with Northwest Texas Healthcare System, Amarillo, Texas, Respondent failed to accurately document the administration of medication in the medical records of Patient B409. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.
13. In response to Finding of Fact Number Twelve (12), Respondent states that she was escorted off the floor while attempting to give Patient B409 his medications. Respondent states that her supervisor did not allow her the chance to give report to the charge nurse. Additionally, Respondent states that her supervisor took her chart and the medications she had pulled from the Pyxis machine and gave them to the charge nurse. Respondent states that if she was able to give report, these medication errors would not exist.
14. On or about November 26, 2006, while employed as a Licensed Vocational Nurse with Northwest Texas Healthcare System, Amarillo, Texas, Respondent lacked fitness to practice vocational nursing in that she exhibited signs of having an addiction to a drug/narcotic, in that her hands and arms had pin sized scabs, red swollen areas, and bruising. 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.
15. In response to Finding of Fact Number Fourteen (14), Respondent admits that these injuries were from injecting Phenergan intravenously. Respondent states that she openly admits to having a problem with Phenergan during this time and did seek counseling and treatment via Dr. Ruben Mendoza, Psychiatrist, and Dianna Fielder, Licensed Professional Counselor. Respondent states that she undergoes drug testing and documentation review by her current employer.
16. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
17. 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.
18. Respondent's conduct described in Finding of Fact Number Six (6), Eight (8), Ten (10), Twelve (12), and Fourteen (14) were significantly influenced by Respondent's impairment by dependency on chemicals.
19. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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 violation of Section 301.452(b)(9),(10),(12)&(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),(4),(5),(6)(G), (8),(10)(A),(B),(D)&(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 192508, heretofore issued to KRISTIN LYNN ARAGON, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to KRISTIN LYNN ARAGON, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350)

payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 multistate licensure privileges, if any, to practice nursing in the State of Texas.

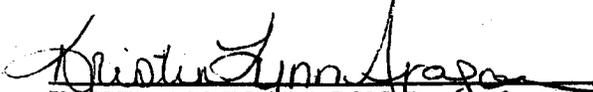
IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where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

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2 day of March, 2009.

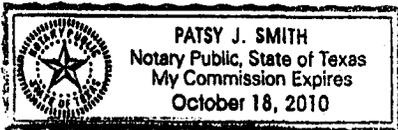

KRISTIN LYNN ARAGON, Respondent

Sworn to and subscribed before me this 2 day of March, 2009.

SEAL



Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 2nd day of March, 2009, by KRISTIN LYNN ARAGON, Vocational Nurse License Number 192508, and said Order is final.



Entered and effective this 5th day of March, 2009.


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