



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 P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 198006 §
issued to KIM BERNADETTE FLICK §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 198006, issued to KIM BERNADETTE FLICK, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Galen Health Institute, San Antonio, Texas, on January 25, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on March 22, 2005.
4. Respondent's complete vocational nursing employment history includes:

03/05-05/05	Unknown	
06/05-08/05	LVN	Beverly Hills Surgical Encino, CA

Respondent's complete vocational nursing employment history includes (continued):

08/05-10/05	Unknown	
11/05-02/06	LVN	Outsource Med Corp El Segundo, CA
02/06-11/08	LVN	Belmont Village Sherman Oaks, CA
04/08-04/08	LVN	First Choice Children's Homecare San Antonio, Texas
12/08-Present	Unknown	

5. Formal Charges were filed on June 17, 2010. 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 June 18, 2010.
7. On January 6, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated December 12, 2010, is attached and incorporated herein by reference as part of this Order.
8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed 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.
9. 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 a violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(5),(10)(A)&(D) and (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.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 198006, heretofore issued to KIM BERNADETTE FLICK, 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 NOT practice vocational nursing, use the title of licensed vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a licensed vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a licensed vocational nurse during the period in which the license is surrendered.
2. 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.
3. 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 nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Effective this 16th day of February, 2011.

TEXAS BOARD OF NURSING



By:

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

KIM BERNADETTE FLICK
1022 North Grove Avenue
Wichita, Kansas 67214
Texas LVN License #198006

Voluntary Surrender Statement

December 12, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I KIM BERNADETTE FLICK 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

[Handwritten Signature]

Date

12-12-10

Texas Nursing License Number/s

198006

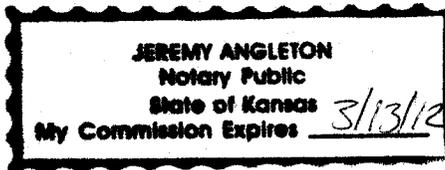
The State of Texas

Before me, the undersigned authority, on this date personally appeared KIM BERNADETTE FLICK 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 30 day of Dec, 2010.

SEAL

[Handwritten Signature]
Notary Public in and for the State of KS



In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 198006, Issued to §
KIM BERNADETTE FLICK, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KIM BERNADETTE FLICK, is a Vocational Nurse holding license number 198006, 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 April 16, 2008, while employed as a Licensed Vocational Nurse with First Choice Children's Homecare, San Antonio, Texas, Respondent engaged in the intemperate use of Tetrahydrocannabinol (THC), in that she submitted a specimen for a drug screen that produced a positive result for THC. Possession of THC is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of THC by a Licensed 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, 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), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(5),(10)(A)&(D)&(11)(B).

CHARGE II.

On or about January 12, 2009, while employed as a Licensed Vocational Nurse and participating in the Texas Peer Assistance Program for Nurses, Respondent engaged in the intemperate use of Codeine and Morphine, in that she submitted a specimen for a drug screen that produced a positive result for Codeine (>3000 ng/mL) and Morphine (522 ng/mL). Possession of Codeine and Morphine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Codeine and Morphine 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(1)(A)&(B),(4),(5),(10)(A)&(D)&(11)(B).

CHARGE III.

On or about April 22, 2009, while employed as a Licensed Vocational Nurse and participating in the Texas Peer Assistance Program for Nurses, Respondent engaged in the intemperate use of Oxazepam, Temazepam, and Codeine in that she submitted a specimen for a drug screen that produced a positive result for Oxazepam (482 ng/mL), Temazepam (356 ng/mL) and Codeine (2564 ng/mL). Possession of Oxazepam, Temazepam, and Codeine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Oxazepam, Temazepam, and Codeine 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(1)(A)&(B),(4),(5),(10)(A)&(D)&(11)(B).

CHARGE IV.

On or about April 27, 2009, while employed as a Licensed Vocational Nurse and participating in the Texas Peer Assistance Program for Nurses, Respondent engaged in the intemperate use of Oxazepam, Temazepam and Codeine in that she submitted a specimen for a drug screen that tested positive for Oxazepam (394 ng/mL), Temazepam (412 ng/mL) and Codeine (2990 ng/mL). Possession of Oxazepam, Temazepam and Codeine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Oxazepam, Temazepam and Codeine 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(1)(A)&(B),(4),(5),(10)(A)&(D)&(11)(B).

CHARGE V.

On or about May 28, 2009, while employed as a Licensed Vocational Nurse and participating in the Texas Peer Assistance Program for Nurses, Respondent engaged in the intemperate use of Tramadol, in that she submitted a specimen for a drug screen that produced a positive result for Tramadol (>2000 ng/mL). Possession of Tramadol is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances 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(1)(A)&(B),(4),(5),(10)(A)&(D)&(11)(B).

CHARGE VI.

On or about May 29, 2009, while employed as a Licensed Vocational Nurse and participating in the Texas Peer Assistance Program for Nurses, Respondent engaged in the intemperate use of Tramadol, in that she submitted a specimen for a drug screen that produced a positive result for Tramadol (>2000 ng/mL). Possession of Tramadol is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances 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(1)(A)&(B),(4),(5),(10)(A)&(D)&(11)(B).

CHARGE VII.

On or about July 1, 2009, while employed as a Licensed Vocational Nurse and participating in the Texas Peer Assistance Program for Nurses, Respondent engaged in the intemperate use of Oxazepam, Temazepam, Codeine and Hydrocodone, in that she submitted a specimen for a drug screen that produced a positive result for Oxazepam (408 ng/mL), Temazepam (434 ng/mL), Codeine (1698 ng/mL) and Hydrocodone (752ng/mL). Possession of Oxazepam, Temazepam, Codeine and Hydrocodone is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Oxazepam, Temazepam, Codeine and Hydrocodone 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(1)(A)&(B),(4),(5),(10)(A)&(D)&(11)(B).

CHARGE VIII.

On or about July 29, 2009, while employed as Licensed Vocational Nurse and participating in the Texas Peer Assistance Program for Nurses, Respondent engaged in the intemperate use of Oxazepam, Temazepam, Hydromorphone, Hydrocodone and Oxymorphone, in that she submitted a specimen for a drug screen that produced a positive result for Oxazepam (650 ng/mL), Temazepam (818 ng/mL), Hydromorphone (306 ng/mL), Hydrocodone (1302 ng/mL) and Oxymorphone (434 ng/mL). Possession of Oxazepam, Temazepam, Hydromorphone, Hydrocodone and Oxymorphone is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Oxazepam, Temazepam, Hydromorphone, Hydrocodone and Oxymorphone 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(1)(A)&(B),(4),(5),(10)(A)&(D)&(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 (\$1200.00).

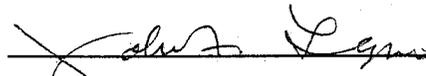
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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 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.

Filed this 17th day of June, 2010.

TEXAS BOARD OF NURSING



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