



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 683319 §
issued to KELLY LYNN HIGGINS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KELLY LYNN HIGGINS, Registered Nurse License Number 683319, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8),(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 31, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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(s).
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 Cardinal Stritch College, Milwaukee, Wisconsin, on December 16, 2000. Respondent was licensed to practice professional nursing in the State of Texas on January 10, 2002.
5. Respondent's professional nursing employment history includes:

2001	Staff Nurse Psychiatric Unit	Timberlawn Mental Health Center Dallas, Texas
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Respondent's professional nursing employment history continued:

2001 - 2002	Staff Nurse Psychiatric Unit	Cypress Creek Hospital Houston, Texas
2002 - 2003	Charge Nurse Psychiatric Unit	Devereaux League City, Texas
2003 - 2004	Senior Staff Nurse	Neuropsychiatric Center Houston
2005 - 2006	Case Manager	Dynacare Home Health Houston, Texas
10/2006 - 2008	Staff Nurse	Amedisys Home Health Conroe, Texas
7/2008 - 8/2008	Staff Nurse	Central Vermont Home Health and Hospice Barre, Vermont
2008 - 2010	Staff Nurse	St. Joseph's Medical Center Houston, Texas
2010 - Present	Staff Nurse	Center for Wound and Hyperbaric Houston, Texas
2010 - Present	Staff Nurse	Alphacare Conroe, Texas

6. On or about March 3, 2003, Respondent's license to professional nursing in the State of Texas was issued with the sanction of Remedial Education through an Agreed Order by the Texas Board of Nursing. A copy of the Agreed Order, including the Findings of Fact, Conclusions of Law, and Order, dated March 3, 2003, are attached and incorporated herein by reference.
7. At the time of the initial incident in Finding of Fact Number Eight (8), Respondent was employed as a Staff Nurse with Amedisys Home Health, Conroe, Texas, and had been in this position for one (1) year and eight (8) months.
8. On or about June 14, 2008, through July 2, 2008, while employed with Amedisys Home Health, Conroe, Texas, Respondent failed to submit documentation in a timely manner on five (5) patients. Subsequently, Respondent submitted all outstanding documentation. Respondent's conduct resulted in an inaccurate, incomplete medical record, and was likely to injure the patients in that subsequent care givers would rely on her documentation to provide further patient care.

9. On or about August 24, 2009, while renewing her license to practice professional nursing in the State of Texas, Respondent answered "No" to Renewal Question Number Six (6), which asks as follows: "Has **any** licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"

On July 13, 2009, Respondent's temporary license to practice professional nursing in the State of Vermont was suspended indefinitely through a Default Order by the State of Vermont Board of Nursing. A copy of the July 13, 2009, Default Order is attached and incorporated by reference as part of this Order. Respondent's conduct deceived the Texas Board of Nursing and the public, and may have effected the Board's decision regarding renewal of the license.

10. In response to the incident in Finding of Fact Number Eight (8), Respondent admits that the documentation on the five (5) patients was submitted late during that time, but adds that she was making additional visits to several patients' homes to "redo visits" that had been previously made by another nurse. Respondent states that she informed her supervisor that she was feeling overwhelmed and was instructed to take care of the patients and do the documentation later. In response to the incident in Finding of Fact Number Nine (9), Respondent states that she was not aware of the action taken by the State of Vermont Board of Nursing because she had moved to Texas and did not leave a forwarding address because she had no intention of returning to Vermont.

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)(F) and 217.12(1)(A),(1)(B),(4)&(6)(I).
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 683319, heretofore issued to KELLY LYNN HIGGINS, including revocation of Respondent's license(s) to practice 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, 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(s) is/are 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 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, 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 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>

(3) 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://ncsbn.hivelive.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(s) 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 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 license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13 day of December, 2010.
Kelly Lynn Higgins
KELLY LYNN HIGGINS, Respondent

Sworn to and subscribed before me this 13 day of Dec, 2010.

SEAL



C H LAPEE
NOTARY PUBLIC
State of Texas
Comm. Exp. 08-24-2012

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

Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for Respondent

Signed this 14th day of December, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13th day of December, 2010, by KELLY LYNN HIGGINS, Registered Nurse License Number 683319, and said Order is final.

Effective this 27th day of January, 2011.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 683319 § AGREED
issued to KELLY LYNN HIGGINS § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of KELLY LYNN HIGGINS, License Number 683319, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on December 15, 2002, 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 conference, 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 Cardinal Stritch College, Milwaukee, Wisconsin, on December 16, 2000. Respondent was licensed to practice professional nursing in the State of Texas on January 10, 2002.
5. Prior to January 10, 2002, Respondent was practicing professional nursing in the State of Texas using her Wisconsin professional nursing license utilizing the Multistate Compact privilege.

6. Respondent's professional employment history includes:

2/01-5/01	Staff Nurse	Children's Medical Center Dallas, Texas
6/01-11/01	Staff Nurse	Timberlawn Mental Health Dallas, Texas
12/01-Present	Staff Nurse Adolescent Unit	Cypress Creek Hospital Houston, Texas

7. At the time of the incident, Respondent was employed as a Staff Nurse in the Adolescent Unit with Cypress Creek Hospital, Houston, Texas, and had been in this position for three (3) months.
8. On or about February 5, 2002, through February 6, 2002, while employed at Cypress Creek Hospital, Houston, Texas, Respondent allowed two adolescent patients who professed to be bisexual to room together. As a result, the two male patients engaged in sexual activity. Respondent's conduct exposed the patients unnecessarily to a risk of harm.
9. Charges were filed on September 10, 2002.
10. Charges were mailed to Respondent on September 18, 2002.

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)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(5)&(18).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 683319, heretofore issued to KELLY LYNN HIGGINS, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional 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 professional 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 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 deliver the wallet-size license issued to KELLY LYNN HIGGINS to the office of the Board of Nurse Examiners within three weeks of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered Nurses. It shall be a

minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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.

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

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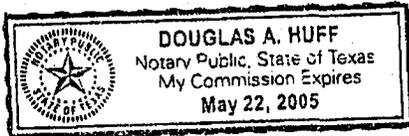
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of February, 2003
Kelly Lynn Higgins
KELLY LYNN HIGGINS, Respondent

Sworn to and subscribed before me this 28th day of FEBRUARY, 2003.

SEAL



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

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 28th day of February, 2003, by KELLY LYNN HIGGINS, License Number 683319, and said Order is final.

Effective this 3rd day of March, 2003.



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

National Life Building, North, FL2
Montpelier, VT 05620-3402

Tel: (802) 828-1505
Fax: (802) 828-2368

www.sec.state.vt.us



State of Vermont
Office of the Secretary of State
Professional Regulation

Deborah L. Markowitz
Secretary of State

William A. Dalton
Deputy Secretary

Christopher D. Winters
Director, Professional Regulation

I hereby certify that the attached is a true and accurate copy of the disciplinary action in re Kelly Lynn Higgins, License No. 026-0042759-TEMP. The original is on file with the Office of Professional Regulation at the Office of the Secretary of State.

August 20, 2009

A handwritten signature in black ink, appearing to read 'Deborah L. Markowitz'.

Secretary of State
Deborah L. Markowitz

**STATE OF VERMONT
BOARD OF NURSING**

In re: Kelly Lynn Higgins	}	
License No. 026-42759 Temp.	}	Docket No. NU245-0908
	}	2008-334

Appearances:

Petitioner, State of Vermont: Betsy Ann Wrask
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on July 13, 2009 at the National Life Building in Montpelier, Vermont. Ms. Higgins did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Higgins has received a temporary license as a registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On May 1, 2009 Ms. Higgins was sent notice of Charges in this matter by certified mail to her last known address. A copy of the Specification of Charges is attached to this Default Order.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. Stamps on the envelope indicate the notice of charges was not delivered. It was returned marked "moved, left no forwarding address."
6. Ms. Higgins has not filed an answer to the charges.
7. On June 22, 2009 Notice of the default hearing scheduled for July 13, 2009 was mailed to Ms. Higgins at that same address by certified mail.
8. Ms. Higgins has still not answered the charges.
9. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Higgins to be in Default. The allegations contained in the State's Specification of Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Higgins has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the State's presentation. Because Ms. Higgins has failed to answer the charges, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Higgins has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Higgins's license is hereby **Suspended Indefinitely** effective as of the date of the hearing.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2, Montpelier, VT 05620-3402 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By:

Ellen Leff
Ellen Leff, R.N., Chair

Date: July 13, 2009

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7/15/09

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:)
KELLY LYNN HIGGINS) Docket No. NU24-0908/2008-344
License No. 026.0042759-TEMP)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Kelly Lynn Higgins, RN:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Kelly Lynn Higgins (the "Respondent") of The Woodlands, Texas held a temporary license as a Registered Nurse, issued by the State of Vermont under license number 026.0042759-TEMP. This license was originally issued on or about July 10, 2008 and expired on or about October 10, 2008.
3. At all times relevant, Respondent was employed as a traveling nurse through TNS, and was employed as a Registered Nurse at Central Vermont Home Health & Hospice (the "Facility"), located in Barre, Vermont.
4. On or about August 22, 2008 in a Mandatory Report of Unprofessional Conduct, Facility Director of Home Care S.B. reported that Respondent was terminated from the Facility after it received two (2) complaints from patients in one week regarding Respondent's competency. S.B. advised that as the Facility was investigating these complaints, it was inadvertently discovered that Respondent documented care on a chart that she had not actually provided.
5. Respondent began employment at the Facility on or about July 14, 2008 and was terminated on or about August 21, 2008.
6. A review of the Facility's "Concern Log" regarding Respondent, compiled by Clinical Supervisor B.B., reveals in part the following:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

- a. On or about July 17, 2008, Respondent was not wearing a watch as she listened to a patient's apical heart rate, and was therefore unable to actually time the rate. On a second visit to another patient on this date, which required the use of a compression wrap, Respondent struggled in working with the wrap and required demonstration and instruction by her supervisor.
- b. On or about July 21, 2008, Respondent failed to draw a PT/INR, as was ordered.
- c. On or about July 23, 2008 in a visit to Patient D.C., Respondent provided weak documentation that did not reflect that the visit was skilled or billable. When brought to Respondent's attention, she provided additional documentation to correct her initial entry.
- d. After Respondent visited Patient B.F. on or about July 28, 2008, B.F. complained that Respondent did not do the medication pour properly, in that Respondent put all of the medications in one compartment; B.F. caught this and readjusted the medications on her own.
- e. On or about August 13, 2008, Patient E.K. complained that during a telephone call between Respondent and E.K. regarding setting up a visit on that day, E.K. informed Respondent that she would like her toenails cut, to which Respondent asked whether foot care was hard to do, and Respondent stated that Respondent didn't know how to cut toenails. E.K. stated that she is uncomfortable with Respondent and requested that Respondent not visit her again.
- f. On or about August 20, 2008, a physical therapist complained that a Facility patient that the physical therapist also sees requested that Respondent not visit him again. The physical therapist stated the patient complained that Respondent appeared fidgety and anxious.
- g. On or about August 20, 2008, Clinical Supervisor B.B. called this patient to discuss the above-referenced complaint made on this date. The patient advised that he felt Respondent was very inexperienced and "wouldn't even let her stick him with a needle." The patient stated that Respondent did not do a full assessment – in that Respondent did not take vital signs or blood pressure, or inspect his wound – but that the patient was not upset about this because he just wanted the visit to be over. Thereafter, B.B. inspected Respondent's documentation of the visit with this patient and found that Respondent had documented, falsely, that she had done vital signs; lung sounds; and wound inspection, which included documentation of the amount of wound drainage, staples, and what the incision looked like.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Charges

7. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
- a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performance of unsafe or unacceptable patient care pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(1); and failure to conform to the essential standards of acceptable and prevailing practice pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(2);
 - b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes performing duties and assuming responsibilities within the scope of the definitions of nursing practice, 26 V.S.A. § 1572(2) and (3), when competence has not been achieved or maintained, pursuant to ARBN Chapter 4, Subchapter 4, Rule II(D)(2); and falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN Chapter 4, Subchapter 4, Rule II(D)(3);
 - c. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records);
 - d. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - e. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Kelly Lynn Higgins should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 23rd day of April, 2009.

STATE OF VERMONT
SECRETARY OF STATE

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.higgins.soc

STATE OF VERMONT



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