

Respondent's vocational nursing employment history (continued):

06/02 - 09/02	LVN	Accurried Home Health Austin, TX
11/02 - 10/04	LVN	Texas Home Health Austin, TX
10/04 - 08/07	LVN	Hallmark Lifeway Home Health Austin, TX
09/07 - Current	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Licensed Vocational Nurse with Hallmark Lifeway Home Health, Austin, Texas, and had been in this position for approximately two (2) years and ten (10) months.
7. On or about February 1, 2007, through July 20, 2007, while employed as a Licensed Vocational Nurse with Hallmark Lifeway Home Health, Austin, Texas, Respondent violated professional boundaries of the nurse/client relationship in that she accepted a six hundred dollar (\$600) check from Patient J.B. to purchase furniture for said patient. Respondent's conduct was likely to cause harm to the patient in that violation of professional boundaries is likely to cause confusion between the needs of the patient and those of the nurse.
8. In response to Findings of Fact Number Seven (7), Respondent admits to accepting a \$600 check from the patient to purchase a furniture set that the patient wanted. Respondent states that she wrote a \$600 check back to the patient as proof that the money was returned. Respondent states that she felt that the patient was becoming more and more dependent on her and had requested to be removed from her care.

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)&(J), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4)&(6)(D).

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 178924, heretofore issued to TINA MICHELLE KINSEY, 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 A FINE, 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 pay a monetary fine in the amount of five hundred (\$500) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) 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>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Respecting Professional Boundaries," a 3.9 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/03fbf38973/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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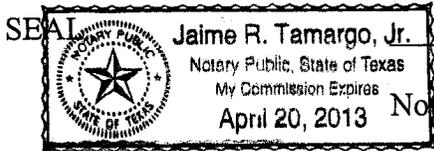
RESPONDENT'S CERTIFICATION

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 14 day of December, 2010.

Tina Michelle Kinsey
TINA MICHELLE KINSEY, Respondent

Sworn to and subscribed before me this 14 day of December, 2010.



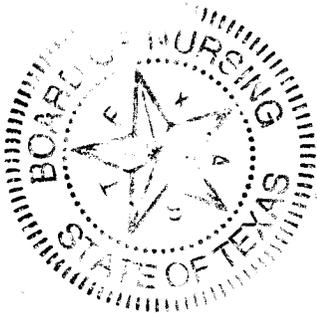
Notary Public in and for the State of TEXAS

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 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 December, 2010, by TINA MICHELLE KINSEY, Vocational Nurse License Number 178924, and said Order is final.



Effective this 28th day of December, 2010.

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