BEFORE THE TEXAS BOARD OF NURSING

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

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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of KRISTIN LYNN ARAGON, Vocational Nurse License Number 1925 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 cocain 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

KRISTIN LYNN ARAGON, Respondent

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

SEAL

Patsy J. Smith

Notary Public in and for the State of Texas

PATSY J. SMITH
Notary Public, State of Texas
My Commission Expires
October 18, 2010

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, 20 09, by KRISTIN LYNN ARAGON, Vocational Nurse License Number 192508, and said Order is final.

Entered and effective this 6th day of March, 2009.

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