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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 254553	§	
& Vocational Nurse License Number 82699	§	
issued to KIMBERLY ANN CRAWFORD	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY ANN CRAWFORD, Registered Nurse License Number 254553, and Vocational Nurse License Number 82699, hereinafter referred to as Respondent. This action was taken in accordance with Sections 301.452 (b)(1),(2),(3),(9),(10) & (12) and 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 representation by counsel, 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. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Odessa College School of Vocational Nursing, Odessa, Texas, on August 16, 1979, and an Associate Degree in Nursing from Odessa College, Odessa, Texas, on May 1, 1980. Respondent was licensed to practice Vocational Nursing in the State of Texas on October 16, 1979, and Respondent was licensed to practice Professional Nursing in the State of Texas on March 20, 1981.

5. Respondent's professional nursing employment history is unknown.

6. On November 27, 2006, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). Additionally, Respondent was to comply with all the requirements of the TPAPN contract throughout its terms. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 27, 2006, is attached and incorporated, by reference, as part of this Order.

7. On March 23, 2010, Respondent's licenses to practice professional and vocational nursing in the State of Texas were SUSPENDED, with the SUSPENSION STAYED and placed on PROBATION WITH STIPULATIONS by the Texas Board of Nursing. A copy of the Findings of Facts, Conclusions of Law, and Agreed Order, dated March 23, 2010, is attached and incorporated, by reference, as part of this Order.

8. On or about September 22, 2009, Respondent was charged with THEFT SERVICE-CHECK $20 TO $500, a Class B misdemeanor offense, in the County Court at Law No. 6 of Travis County, Texas, under Cause No. C1CR09302195. On or about March 1, 2011, Cause No. C1CR09302195 was dismissed for reason: "Class complete."

9. On or about September 30, 2010, Respondent pled Guilty to and was convicted of THEFT BY CHECK, a Class C misdemeanor offense committed on February 23, 2009, in the County Court at Law No. 3, Williamson County, Texas, under Cause No. 09-05531-3. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

10. On or about March 1, 2011, Respondent pled Nolo Contendere to and was convicted of DRIVING WHILE LICENSE INVALID, a misdemeanor offense committed on March 12, 2010, in the County Court at Law No. 6, Travis County, Texas, under Cause No. C1CR10204314. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of one (1) day, and ordered to pay a fine and court costs.

11. On or about April 6, 2011, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

A. been convicted of a misdemeanor?
B. been convicted of a felony?
C. pled nolo contendere, no contest, or guilty?
D. received deferred adjudication?
E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
F. been sentenced to serve jail or prison time? court-ordered confinement?
G. been granted pre-trial diversion?
H. been arrested or have any pending criminal charges?
I. been cited or charged with any violation of the law?
J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that, on or about September 30, 2010, Respondent pled Guilty to and was convicted of THEFT BY CHECK, a Class C misdemeanor offense committed on February 23, 2009, in the County Court at Law No. 3, Williamson County, Texas, under Cause No. 09-05531-3. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

Furthermore, Respondent failed to disclose that, on or about March 1, 2011, Respondent pled Nolo Contendere to and was convicted of DRIVING WHILE LICENSE INVALID, a misdemeanor offense committed on March 12, 2010, in the County Court at Law No. 6, Travis County, Texas, under Cause No. C1CR10204314. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of one (1) day, and ordered to pay a fine and court costs.

12. On or about January 4, 2012, while employed as a Registered Nurse with Austin Recovery, Austin, Texas, Respondent lacked fitness to practice professional nursing in that her speech was slow and slurred; she was falling asleep while preparing her food; she was unable to keep her eyes open while eating; her eyes were wandering; and her demeanor appeared groggy. Respondent's conduct 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.

13. On or about January 4, 2012, while employed as a Registered Nurse with Austin Recovery, Austin, Texas, Respondent engaged in the intemperate use of Amphetamines in that Respondent submitted a specimen for a Reasonable Suspicion drug screen which resulted positive for Amphetamines. Possession of Amphetamines without a valid prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The use of Amphetamines by a Registered 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.

14. In response to Findings of Fact Number Twelve (12) and Thirteen (13), Respondent states, the evening before the drug test, she had not taken the medication she had been prescribed for sleep (Trazadone), and she was beginning to have insomnia. She took her medication and went to work the next morning. She had been sick with an upper respiratory infection, bronchitis and asthma, and went to the hospital several days before with respiratory distress. She was taking a Ventolin inhaler, Mucomist, Claritin D, and Excedrin cold as medication for her respiratory illness. Her entire family had been ill the weekend before, and they all were taking medications. While at work on January 4, she was tired, sleepy and felt very drowsy due to the Trazadone she had taken the night before. She continued to work and completed several admissions without problems that morning. Her supervisor came to her and they had a discussion about her quietness and she agreed to take a drug test. The drug screen came back positive for amphetamines. She believes the test was a false positive. She has never taken amphetamines. The cold medicines and the Ventolin inhaler she was on, could have produced a positive result for amphetamines. The unusual behaviors associated with amphetamines were not her behavior that day. She was tired, sleepy, and without energy, which is how the Trazadone tends to affect her. She has been clean and attending her meetings as ordered. She was late with the drug screens, but she was attempting to correct the problem. She realizes time got away from her and she should have pursued the issue more aggressively. She does not admit to taking amphetamines. The results were based on cold medicine and there is much literature to support the findings. She did not realize the cold medication or Ventolin inhaler would produce such results until she researched it.

15. On or about September 11, 2011, through January 4, 2012, Respondent failed to comply with the Agreed Order issued to her on March 23, 2010, by the Texas Board of Nursing. Respondent's non-compliance is the result of her failure to comply with Stipulation Number Thirteen (13) of the Order, which reads, in pertinent part:

    (13) "RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram) and alcohol...."

16. In response to Findings of Fact Number Fifteen (15), Respondent states, she agrees that she failed to comply with the Order for timely drug screens. On several occasions she attempted to set up an account with First Lab. She did not have a credit card and she was told she would receive instructions in the mail as to how to submit the screens. After several weeks, she again called First Lab and the website was being remodeled and she could not register online. She finally attempted to use a Visa gift card for the account and the information wouldn't take, because there was not a name issued to the credit card. She applied for a credit card and

was waiting for the card when the incident occurred on January 4, 2012.

17. On or about January 4, 2012, Respondent failed to comply with the Agreed Order issued to her on March 23, 2010, by the Texas Board of Nursing. Respondent's non-compliance is the result of her failure to comply with Stipulation Number Twelve (12) of the Order, which reads, in pertinent part:

    (16) "RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription...."

    Specifically, on or about January 4, 2012, while employed as a Registered Nurse with Austin Recovery, Austin, Texas, Respondent engaged in the intemperate use of Amphetamines in that Respondent submitted a specimen for a Reasonable Suspicion drug screen, which resulted positive for Amphetamines.

18. On or about February 27, 2012, Respondent pled Guilty to and was convicted of DRIVING W/ LIC INV W/ PREV CONV/SUSP/W/O FIN RES, a Class B misdemeanor offense committed on January 27, 2012, in the County Court at Law No. 2 of Williamson County, Texas, under Cause No. 12-01273-3. As a result of the conviction, Respondent was sentenced to confinement in the Williamson County Jail for a period of four (4) days, and ordered to pay a fine and court costs.

19. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

20. 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.

21. 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 violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)&(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(B),(5),(6)(I),(10)(A),(10)(D),(11)(B)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(a) & (b)(1),(2),(3),(9),(10) &(12), Texas Occupations Code, to take disciplinary action against, Registered Nurse License Number 254553, and Vocational Nurse License Number 82699, heretofore issued to KIMBERLY ANN CRAWFORD, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of, Registered Nurse License Number 254553, and Vocational Nurse License Number 82699, heretofore issued to KIMBERLY ANN CRAWFORD, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/vocational nursing, use the title "registered/vocational nurse" or the abbreviation "RN"/"LVN" or wear any insignia identifying herself as a registered/vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered/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 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(s) 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 23 day of October, 2012.

Kim Crawford

KIMBERLY ANN CRAWFORD, Respondent

Sworn to and subscribed before me this 23 day of October, 2012.

SEAL

Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of, Registered Nurse License Number 254553, and Vocational Nurse License Number 82699, previously issued to KIMBERLY ANN CRAWFORD.

Effective this 26 day of October, 2012.

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