BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of License Number 658184	§	AGREED
issued to KIMBERLY CARDENAS	§	ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 658184, issued to KIMBERLY CARDENAS, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference 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.

2. Respondent waived representation by counsel, 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 San Jacinto College, Pasadena, Texas, on December 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on February 18, 1999.

5. Respondent's professional employment history includes:

1999 - 12/00	Staff Nurse Telemetry Unit	St. Luke's Episcopal Hospital Houston, Texas

Respondent's professional employment history continued:

12/00 - 3/03	Staff Nurse Intermediate Care Unit	Memorial Hermann Southeast Houston, Texas
3/03 - 7/03	Unknown	
7/14/03 - 8/15/03	Staff Nurse Recovery Room	Texas Orthopedic Hospital Houston, Texas
8/15/03 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse in the Intermediate Care Unit at Memorial Hermann Southeast, Houston, Texas, and had been in this position for four (4) months.

7. On or about July 24, 2001, while employed with Memorial Hermann Southeast, Houston, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited the following behavior while on duty: stumbling and having altered behavior. Respondent's conduct could affect her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could affect her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. On or about July 24, 2001, while employed with Memorial Hermann Southeast, Houston, Texas, Respondent engaged in the intemperate use of Morphine. Possession of Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine 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.

9. On or about July 24, 2001, while employed with Memorial Hermann Southeast, Houston, Texas, Respondent misappropriated Morphine from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

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10. On or about March 28, 2003, while employed with Memorial Hermann Southeast, Houston, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited the following behavior while on duty: falling asleep, unsteady gait, tearful, and distracted. Respondent's conduct could affect her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could affect her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

11. At the time of the incidents cited in Findings of Fact Numbers twelve (12) through seventeen (17), Respondent was employed as a Staff Nurse, in the Recovery Room with Texas Orthopedic Hospital, Houston, Texas, and had started employment on July 14, 2003.

12. On or about July 14, 2003, through August 15, 2003, while employed with Texas Orthopedic Hospital, Houston, Texas, Respondent withdrew controlled substances from the automated dispensing machine cabinets, but failed to document its administration in patient medical records. Respondent's conduct was likely to injure patients in that subsequent caregivers would rely on her documentation to further medicate the patient which could have resulted in over-medication.

13. On or about July 14, 2003, through August 15, 2003, while employed with Texas Orthopedic Hospital, Houston, Texas, Respondent withdrew controlled substances from the automated dispensing machine cabinets, but failed to waste the remaining medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

14. On or about July 14, 2003, through August 15, 2003, while employed with Texas Orthopedic Hospital, Houston, Texas, Respondent misappropriated controlled substances from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

15. On or about July 14, 2003, through August 15, 2003, while employed with Texas Orthopedic Hospital, Houston, Texas, Respondent engaged in the intemperate use of controlled substances. Possession of controlled substances is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of controlled substances 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.

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16. On or about August 15, 2003, while employed with Texas Orthopedic Hospital, Houston, Texas, Respondent exhibited the following behaviors while on duty: being hyperactive, loud speech, and acting anxious. Respondent's conduct could affect her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could affect her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

17. On or about August 15, 2003, while employed with Texas Orthopedic Hospital, Houston, Texas, Respondent was arrested by the La Porte Police Department for the offense of Driving While Intoxicated, Class B Misdemeanor, and Possession of Controlled Substance, a State Jail Felony. Police found needles, syringes, Morphine, Ativan, and Phenergan vials in the Respondent's car. The above listed items were identified to have been obtained from Texas Orthopedic Hospital, Houston, Texas. Subsequent to her arrest on August 15, 2003, the Respondent was also charged with the offense of Theft, a State Jail Felony.

18. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.

19. 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.

20. 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 violations of Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), (4), (12), (18), & (19).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 658184, heretofore issued to KIMBERLY CARDENAS, including revocation of Respondent's professional license 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 301.452(b), 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 License Number 658184, heretofore issued to KIMBERLY CARDENAS, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to KIMBERLY CARDNEAS, to the office of the Board of Nurse Examiners.

2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

3. 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 at least twelve (12) consecutive months of sobriety immediately preceding the petition.

4. 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 multistate privilege, if any, to practice professional 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. 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 24 day of October, 2003.

Kimberly Cardenas

Kimberly Cardenas, Respondent

Sworn to and subscribed before me this 24th day of October, 2003.

SEAL

GAIL A WALDROP
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires
NOVEMBER 12, 2006

Gail A. Waldrop

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 accept the voluntary surrender of License Number 658184, previously issued to KIMBERLY CARDENAS.

Effective this 31st day of October, 20 13.

Katherine A. Thomas

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