In the Matter of Permanent License Number 536395, Issued to MARJORIE MARY ROBERTS, Respondent	**§ § §**	**BEFORE THE 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

ORDER OF TEMPORARY SUSPENSION

TO: Marjorie Mary Roberts
c/o Joanna F. Miller, Attorney
6525 Washington Avenue
Houston, Texas 77007-2112

A public meeting of the Texas Board of Nursing was held on April 12, 2012, at 333 Guadalupe, Room 2-225, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 536395, issued to MARJORIE MARY ROBERTS was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of MARJORIE MARY ROBERTS and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about September 13, 2011, while employed with Christus St. John Hospital, Nassau Bay, Texas, Respondent engaged in the intemperate use of alcohol in that she produced a specimen for a drug screen which resulted positive for alcohol. The use of alcohol 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.

On or about September 13, 2011, while employed with Christus St. John Hospital, Nassau Bay, Texas, Respondent failed to comply with the Agreed Order issued to her on January 17,

2011, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Nine (9) of the Agreed Order which states, in pertinent part:

(9) RESPONDENT SHALL abstain from the consumption of alcohol,...

A copy of the January 27, 2011, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by MARJORIE MARY ROBERTS constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Registered Nurse License No. 536395 is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 536395, issued to MARJORIE MARY ROBERTS, to practice nursing in the State of Texas be, and the same is hereby, SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 12th day of April, 2012.

TEXAS BOARD OF NURSING

BY: _____

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 536395, Issued to	§	
MARJORIE MARY ROBERTS, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARJORIE MARY ROBERTS, is a Registered Nurse holding license number 536395, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about September 13, 2011, while employed with Christus St. John Hospital, Nassau Bay, Texas, and subject to an Agreed Order issued to her on January 27, 2011, by the Texas Board of Nursing, Respondent engaged in the intemperate use of alcohol and violated her Agreed Order in that she produced a specimen for a drug screen which resulted positive for alcohol. Noncompliance is the result of her failure to comply with Stipulation Number Nine (9) of the Agreed Order which states, in pertinent part:

> (9) RESPONDENT SHALL abstain from the consumption of alcohol,...

A copy of the January 27, 2011, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1),(9), and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this

pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated January 27, 2011.

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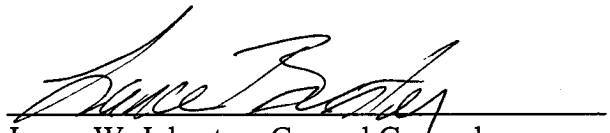
CONTINUED ON NEXT PAGE

Filed this 12th day of April, 2012.

TEXAS BOARD OF NURSING



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Board Certified - Administrative Law
Texas Board of Legal Specialization
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TEXAS BOARD OF NURSING
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Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated January 27, 2011.

D/2012.03.07

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 536395	§	
issued to MARJORIE MARY ROBERTS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARJORIE MARY ROBERTS, Registered Nurse License Number 536395, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(7), TEX. REV. CIV. STAT. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 29, 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 a Diploma in Nursing from Jewish Hospital College of Nursing, St. Louis, Missouri, on January 23, 1977. Respondent was licensed to practice professional nursing in the State of Texas on December 29, 1986.

5. Respondent's nursing employment history is unknown.

6. On or about March 5, 1999, Respondent's license to practice professional nursing in the State of Alaska was issued a Memorandum of Agreement by the Division of Occupational Licensing, Department of Commerce and Economic Development, Anchorage, Alaska. A copy of the Memorandum of Agreement, Proposed Decision and

Order dated March 5, 1999, is attached and incorporated, by reference, as part of this Order.

7. On or about June 3, 1999, Respondent's license to practice professional nursing in the State of Alaska was Voluntarily Surrendered to the Division of Occupational Licensing, Department of Commerce and Economic Development, Anchorage, Alaska. A copy of the Surrender of Nursing License and Order dated June 3, 1999, is attached and incorporated, by reference, as part of this Order.

8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states she was put on probation because she reported to work with the smell of alcohol on her breath. She was sent home administratively even though it was proven she was not intoxicated. She had been drinking heavily during this time because she was going through a very difficult period in her marriage. She decided to resign from her job at the Alaska Native Medical Center, and when she did, they reported her to the Alaska Board of Nursing for coming to work with alcohol on her breath. Her license was put on probation on December 15, 1998. She states she complied with all of the stipulations and did very well for almost a year. She was still married and still going through a very difficult time of mental abuse. She finally relapsed. She did not leave because she had no place to go and no financial ability to travel anywhere.

   She surrendered her license because she was told that she did not comply with all of the probation rules, specifically, she failed a urine test. She was asked to surrender her license and did so in the fall of 1999. She was told that if she waited at least one year, completed another outpatient program, and completed a nursing refresher course that the Board would reinstate her license.

   Respondent divorced her husband in 2002 and moved out of the State of Alaska. She did complete another outpatient rehabilitation program. She has been successful in maintaining sobriety for eight years. She completed her nursing refresher course at the University of Austin Community College. She applied for her license reactivation in Texas and it was approved.

9. 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.

10. Formal Charges were filed on September 2, 2009.

11. Formal Charges were mailed to Respondent on September 3, 2009.

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 Article 4525(b)(7), TEX. REV. CIV. STAT.

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 536395, heretofore issued to MARJORIE MARY ROBERTS, 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 Registered Nurse License Number 536395, previously issued to MARJORIE MARY ROBERTS, to practice professional nursing in Texas is hereby SUSPENDED for a period of one (1) year with the suspension STAYED and Respondent is hereby placed on PROBATION for one (1) year with the following agreed terms of probation:

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 the 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.

(1) 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.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars ($250). 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.

(3) RESPONDENT SHALL, within one (1) year of the entry of this Order, successfully 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) contact 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.*

(4) RESPONDENT SHALL, within one (1) year of the 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this

Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the

Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(9) 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. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone

Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(11) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided

by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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 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 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 1 day of December, 2010.

Marjorie Mary Roberts

MARJORIE MARY ROBERTS, Respondent

Sworn to and subscribed before me this 15th day of December, 2010.

SEAL

_____

Notary Public in and for the State of Texas

ESMERALDA ACEVEDO
MY COMMISSION EXPIRES
August 5, 2012

Approved as to form and substance.

Joanna F. Miller

Joanne F. Miller, Attorney for Respondent

Signed this 1st 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 _____ day of _____, 20____, by MARJORIE MARY ROBERTS, Registered Nurse

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 1st day of December, 2010, by MARJORIE MARY ROBERTS, Registered Nurse License Number 536395, and said Order is final.

Effective this 27th day of January, 2011.

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

STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Sean Parnell, Governor
Emil Notti, Commissioner
Lynne Stevens, Director

Division of Corporations, Business and Professional Licensing

CERTIFICATION

I, Nicole Ornelas-Garcia, Occupational Licensing Examiner, Division of Occupational Licensing, Department of Commerce, Community and Economic Development, State of Alaska, do hereby certify that I am the keeper of the records of the Alaska Board of Nursing and that the attached is a true, accurate, and complete copy of the Surrender of License and Memorandum of Agreement for Roberts, Marjorie M. NUR R 12186.

TOTAL NUMBER OF PAGES INCLUDED: 12

DATED THIS 30th day of July, 2009, at Anchorage, Alaska.

Nicole Ornelas-Garcia,
Occupational Licensing Examiner
Alaska Board of Nursing
Division of Corporations,
Business and Professional Licensing,
State of Alaska

SUBSCRIBED AND SWORN TO before me this 30th day of July, 2009, at Anchorage, Alaska.

EDWARD J. CHURCH III
My Commission Expires
NOTARY PUBLIC
With Office
STATE OF ALASKA

Notary Public

with office
My Commission Expires

550 West 7th Avenue, Suite 1500, Anchorage, AK 99501-3567
Telephone: (907) 269-8160 Fax: (907) 269-8196 Website: www.commerce.state.ak.us/occ

STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BEFORE THE BOARD OF NURSING

In the Matter of:)
)
MARJORIE J. ROBERTS, R. N.)
)
Respondent)
Case No. CASE NUMBER 2300-98-009

MEMORANDUM OF AGREEMENT

IT IS HEREBY AGREED by the Department of Commerce and Economic Development, Division of Occupational Licensing (Division) and MARJORIE J. ROBERTS as follows:

1. Licensure. MARJORIE J. ROBERTS is currently licensed as a Registered Nurse in the State of Alaska, and holds License number R 12186, which was first issued on January 12, 1988 and, unless renewed, will expire on 11/30/2000.

2. Admission/Jurisdiction. ROBERTS admits and agrees that the Board of Nursing has jurisdiction over the subject matter of her license in Alaska and over this agreement.

3. Facts. ROBERTS admits to the following facts:

a. She suffers from an addiction to alcoholic beverages that has interfered with her performance of Nursing functions, while working as a Registered Nurse at the Alaska Native Medical Center in Anchorage, Alaska.

b. That if left untreated, this addiction can adversely affect her ability to practice Nursing safely.

STATE OF ALASKA
DIVISION OF OCCUPATIONAL LICENSING
3601 C STREET, ANCHORAGE, ALASKA 99503
907-269-8160 907-269-8156

ROBERTS admits that as a result of the above facts, grounds exist for possible suspension, revocation, or other disciplinary sanctions of her Nursing license pursuant to AS 08.01.075 and AS 08.68.270(3)(7) and 12 AAC 44.770(8).

4. Formal Hearing Process. It is the intent of the parties to this Memorandum of Agreement (MOA) to provide for the compromise and settlement of all issues which could be raised by an accusation to revoke, suspend, or impose disciplinary sanctions against ROBERTS' Nursing license through a formal hearing process.

5. Waiver of Rights. ROBERTS understands that she has the right to consult with an attorney of her own choosing and that she has a right to an administrative hearing on the facts in the case. She understands and agrees that by signing this MOA, she is waiving her rights to counsel and to a hearing. Further, she understands and agrees that she is relieving the Division of any burden it has of proving the facts she admits above. ROBERTS further understands and agrees that by signing this MOA she is voluntarily and knowingly giving up her right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against her, and to appeal the Board's decision to Superior Court.

6. Effect of Non-acceptance of the Agreement. ROBERTS and the Division agree that this MOA is subject to the approval of the Board. They agree that, if the Board rejects this agreement, it will be void, and an accusation may be filed. If this agreement is rejected by the board it will not constitute a waiver of ROBERTS' right to a hearing on the matters alleged in an accusation and the admissions contained herein will have no effect. ROBERTS agrees that, if the Board rejects this agreement, the Board may decide the matter after a hearing. The Board's consideration of this agreement shall not alone be grounds for claiming that the Board is biased against her, and that it cannot fairly decide the case, or that it has received ex parte communication.

STATE OF ALASKA
DIVISION OF OCCUPATIONAL LICENSING
3601 C STREET, ANCHORAGE, ALASKA 99503
907-269-8160 907-269-8156

7. Memorandum of Agreement, Decision and Order. ROBERTS agrees that the Board has the authority to enter into this MOA and to issue the following Decision and Order.

PROPOSED DECISION AND ORDER

IT IS HEREBY ORDERED that the license to practice Nursing issued to ROBERTS be under probation. This license shall be subject to the following terms and conditions of license probation.

A. Duration of Probation

ROBERTS' license shall be on probation for three (3) years from the effective date of this order. If ROBERTS fully complies with all of the terms and conditions of this license probation, the probationary period will end as conditioned under this order. The three-year probationary period will not be reduced by the following periods of time:

(1) Any absence from the state in excess of thirty (30) continuous days;

(2) Any absence from the state that exceeds sixty (60) aggregate days in a single year.

(3) Any period during which ROBERTS is not a resident of the State of Alaska; and

(4) Any period ROBERTS does not hold an active license to practice Nursing in Alaska.

It will be ROBERTS' duty to inform the Board's agent in writing in advance of any absence from her community of residence and/or any move from Alaska to another licensing jurisdiction.

STATE OF ALASKA
DIVISION OF OCCUPATIONAL LICENSING
3601 C STREET, ANCHORAGE, ALASKA 99503
907-269-8160 907-269-8156

B. Inpatient Treatment

ROBERTS has attended and satisfactorily completed residential alcohol dependency treatment at the **Betty Ford Clinic, Palm Springs, CA**.. After satisfactory completion of treatment and prior to resuming Nursing, ROBERTS shall submit to the Board or the Board's agent satisfactory evidence in writing from the program's Director that ROBERTS is mentally and emotionally capable of performing the professional duties of Nursing. ROBERTS shall bear the full expense for this treatment.

C. Rehabilitative Counseling

While under license probation, ROBERTS shall participate in an on-going program of alcohol rehabilitative counseling at her own expense with the **Break-Through Program** in Anchorage or **another counselor approved by the Board**. Upon receipt of a written statement from ROBERTS' counselor that ROBERTS' rehabilitation has progressed to the point that continued counseling is no longer important to help ROBERTS maintain an alcohol-free lifestyle, the Board may consider releasing ROBERTS from the counseling requirement. The Board will not do so, however, unless it is satisfied that releasing ROBERTS from the requirement is consistent with the public interest.

D. Psychiatric Care/Counseling

ROBERTS may be required to undergo psychiatric care or counseling as recommended by the substance abuse treatment program. Psychiatric care or counseling shall be from a psychiatrist or other health care provider as approved by the Board. The psychiatrist or counselor shall be provided with a copy of this MOA. The Board may consider releasing ROBERTS from the therapy requirement upon receipt of a written statement from ROBERTS' therapist that ROBERTS' rehabilitation has progressed to the point that continued therapy is no longer necessary to assist ROBERTS in maintaining a sober lifestyle. However, the Board will not release ROBERTS from the therapy requirement until it is satisfied that doing so is consistent with the public interest. ROBERTS' therapist shall submit reports to the Board's agent on a quarterly basis indicating that:

(1) ROBERTS is continuing in therapy as required by her therapist; and

(2) That she does not pose a danger to the public, her patients, or herself.

ROBERTS shall bear the full expense for this therapy.

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E. Counselor Reports

ROBERTS' alcohol rehabilitation counselor shall report to the Board in writing regarding ROBERTS' rehabilitation or lack thereof. Reports shall be provided quarterly, or as otherwise requested by the Board's agent.

F. Consume No Alcohol or Controlled Drugs

While under license probation, ROBERTS shall consume no alcohol or controlled (Schedule I, II, III, IV, & V narcotic substances) drugs whatsoever, including foods, medicine, and other substances containing controlled drugs or alcohol. However, if ROBERTS is hospitalized and receiving inpatient care, or is receiving outpatient care for a medical/dental condition that cannot be adequately treated without medicines containing controlled drugs, she must inform her treating physician/dentist of her history of substance abuse. She may then take drugs on her physician's/dentist's written prescription in the prescribed dosage for the prescribed duration and for the prescribed purpose. The Board's agent will be notified of any prescription for controlled drugs by ROBERTS at the time she receives it, and a copy of the prescription will be promptly sent to the Division. Further, ROBERTS shall not self-medicate with any legend drug. If a condition exists which requires the use of such a drug, it must be prescribed by ROBERTS' physician/dentist. As with controlled drugs, the Board's agent shall be notified of any legend drug prescriptions at the time she receives it, and a copy of the prescription shall promptly be sent to the Board's agent.

G. Alcohol Anonymous Meetings

While under license probation, ROBERTS shall attend at least three (3) Alcoholics Anonymous (AA) meetings per week. ROBERTS shall keep a calendar or other record indicating the dates of attendance at such meetings and shall obtain the signature or initials of the leader of each meeting verifying her attendance at the meetings. ROBERTS shall present such records to the Board or the Board's agent upon request. ROBERTS must also obtain a sponsor and disclose the sponsor's name to the Board's agent.

H. Health Care Provider Support Group

If directed by the Board or its agent, while under license probation, ROBERTS shall participate regularly in a Board approved health care provider support group and will submit quarterly evidence of participation in the group to the Board's agent.

I. Self Evaluation Report

While under license probation, ROBERTS shall submit quarterly reports to the Board's agent regarding her method of handling stress, abstinence from alcohol and controlled substances, her mental and physical health, professional responsibilities and activities, and personal activities.

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J. Urinalysis, Blood and Hair Tests

While under license probation, ROBERTS shall submit to random Urinalysis, Blood, and Hair tests, as may be ordered by the Board or its agents from time to time. All tests shall be provided in a controlled setting, and shall be subjected to a comprehensive screening for drugs and alcohol. ROBERTS must obtain the required tests no later than two (2) hours after being instructed to do so. If ROBERTS is not able to provide the relevant samples within the two- (2) hours, she will immediately notify the Board's agent, and has the burden of showing why compliance was not possible. If ROBERTS is unable to provide a urine specimen, a blood or hair specimen must be provided. ROBERTS shall also submit to urinalysis and/or blood or hair tests within two (2) hours of her return to the community of her residence after any absence in excess of seven (7) days. ROBERTS shall arrange for the results of each test to be provided directly to the Board or its agent, and shall bear the full expense of all tests.

K. Ability to Practice Nursing

Within thirty (30) days following the effective date of this order, or prior to ROBERTS returning to the practice of Nursing, she shall submit to the Board satisfactory evidence in writing from her health care provider, who must be licensed in Alaska and approved by the Board's agent, confirming that ROBERTS is both physically and mentally capable of performing the professional duties of Nursing. This exam will be conducted at ROBERTS' expense.

L. Personal Health Care Provider

While under license probation, ROBERTS shall be under the care of a health care provider identified to the Board and its agent. The health care provider shall be provided with a copy of the MOA. ROBERTS shall promptly advise the Board or its agent in writing of any change of her health care providers.

M Restriction on Remote Employment

While under license probation, ROBERTS shall work as a Registered Nurse only in communities that have adequate facilities for her to comply with the urinalysis, blood and /or hair tests, and other requirements as set forth in the agreement. ROBERTS shall give the Board prior written notice of each change of employment or residence.

N. Employer Reports

While under license probation, ROBERTS must provide her employer with a copy of the MOA and understands that the Board's agent will be free to discuss with ROBERTS' employer the subject matter of this agreement. ROBERTS' supervisor shall report quarterly to the Board's agent as to ROBERTS' employment performance and

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attendance. The report shall include a statement of whether ROBERTS is suspected of violating any condition of this license probation.

O. Employment Must Be Supervised

While under license probation, ROBERTS may not be employed as a nurse unless a Registered Nurse, Physician or Physician's Assistant supervises her. They must be licensed in Alaska. The supervisor shall be provided a copy of the MOA. However, this does not require that ROBERTS be under constant, direct observation by her supervisor.

P. Periodic Interview with the Board or its Agent

While under license probation and upon the request of the Board or its agent, ROBERTS shall report in person to the Board or its agent to allow a review of her compliance with this probation. ROBERTS shall be excused from attending any interview only at the discretion of the person requesting the interview.

Q. Compliance with Laws

ROBERTS will obey all laws of the United States, State of Alaska, and all laws pertaining to the practice of Nursing in this state.

R. Probation Violation

If ROBERTS' fails to comply with any term or condition of this agreement, her license shall be automatically suspended. If her license is suspended under this paragraph, she will be entitled to a hearing regarding the issue of the suspension.

S. Authorization

ROBERTS will sign all authorizations necessary for the release of the information required by the MOA to the Board's agent. She will provide a copy of each release to the Board's agent with an original signature for use by the Board's agent in obtaining information required by this MOA. If a facility or care giver requires a special release for the information ROBERTS will sign any required release and provide a copy of it also to the Board's agent.

T. Non-cooperation by Reporting Persons

If any of the persons required by this order to report to the Board or its agent fails or refuses to do so, and after adequate notice to ROBERTS so She can correct the problem, the Board may terminate probation and invoke other sanctions as it determines appropriate.

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U. Address of the Board

All required reports or other communication concerning compliance with this Agreement shall be addressed to the Board's agent:

Bob Harrington
STATE OF ALASKA
Division of Occupational Licensing
3601 C Street
Anchorage, Alaska 99503

TEL: (907-269-8177
FAX: (907-269-8156)

It is the responsibility of ROBERTS to keep the Board's agent advised in writing at all times of her current mailing address, current physical address, telephone number and current employer. Failure to do so will constitute grounds for summary suspension of her license in accordance with paragraph R above.

IT IS HEREBY FURTHER ORDERED that upon satisfactory completion of ROBERTS' license probation, the following PERMANENT CONDITIONS AND LIMITATIONS shall apply:

PERMANENT TOTAL ABSTINENCE

ROBERTS shall totally abstain from consuming drugs and/or alcohol other than in accordance with this order.

IT IS HEREBY FURTHER ORDERED that this order shall take effect immediately upon its adoption by the Board and is a public record of the Board and the State of Alaska. The State may provide a copy of it to any person or entity making a relevant inquiry, to the Disciplinary Data Bank, the National Practitioner Data Bank, and to any professional licensing board, state or local government agency.

DATED this 15TH day of December 1998 at Anchorage, Alaska.

DEBORAH B. SEDWICK,
COMMISSIONER
DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT

Gary Veres

Gary Veres, Chief Investigator for
Catherine Reardon, Director
Division of Occupational Licensing

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I, MARJORIE J. ROBERTS, have read this Memorandum of Agreement, understand it, and agree to be bound by the terms and conditions of this memorandum.

DATED: 12/17/98

Marjorie M Roberts
Signature of MARJORIE J. ROBERTS

SUBSCRIBED AND SWORN TO before me this 17th day of December 1998, at Anchorage, Alaska.

Phillip C. Petrie
Notary Public in and for Alaska
My commission expires: July 17, 2002

ORDER

The Board of Nursing for the State of Alaska, having examined the Memorandum of Agreement and Proposed Decision and Order, Case No. 2300-98-009, by the parties hereby adopts the Memorandum of Agreement and Decision and Order in this matter.

DATED this 5 day of March 1999, at Anchorage, Alaska.

BOARD OF NURSING

BY: Belle L. Cunningham
Chairperson

PCP/Roberts25

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ORIGINAL

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

BEFORE THE BOARD OF NURSING

In the Matter of:	)
	)
MARJORIE M. ROBERTS, R.N.,	)
	)
Respondent.	)
	)

Case No. 2300-99-007

SURRENDER OF NURSING LICENSE

I, Marjorie M. Roberts, voluntarily surrender my Alaska nursing license No. R 12186, which was first issued to me on January 12 1988, and has an expiration date of November 30, 2000, to the Division of Occupational Licensing (Division).

On March 5, 1999, I entered into a MEMORANDUM OF AGREEMENT with the Division because of my addiction to alcohol, which placed my license on probation with the Division for three (3) years.

I am surrendering my above nursing license at this time with the understanding that the Division is conducting an active investigation on behalf of the Alaska Board of Nursing, for allegedly violating the conditions of probation set forth within my above Agreement, by consuming Ethanol alcohol.

I understand that as a result of this Surrender, I cannot practice nursing in the State of Alaska, and will not be able to do so until I have the approval of the Board of

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Nursing. I do not wish to actively pursue or otherwise offer a defense against these allegations.

I agree not to apply for a license in Alaska or any other state for a minimum of one (1) year from the date that this Surrender is adopted by the Board of Nursing.

I further understand that before my license to practice nursing in Alaska can be reinstated, I will have to prove to the above Board that I am competent to resume practice, and am able to do so with skill and safety.

If I make such a request for reinstatement, and I am denied by the Board of Nursing, I have the right to a Hearing, pursuant to AS 44.62, of the Administrative Procedure Act.

I am surrendering my license of my own free will. I am not under the influence of any medicine or other drugs that would effect my ability to think clearly and rationally. No promises or threats have been made to me by anyone to make me sign this document.

I have read the Surrender of Nursing License, understand it, and agree to be bound by its terms and conditions.

DATED: 5/21/99

Marjorie M Roberts
Marjorie M. Roberts

SUBSCRIBED AND SWORN TO before me on this 21 day of May, 1999 at Anchorage, Alaska.

Laurel A. Schalavin
Notary Public

State of Alaska
NOTARY PUBLIC
Laurel A. Schalavin
My Commission Expires 1/27/2002

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ORDER

The Board of Nursing for the State of Alaska, having examined the Surrender of Nursing License, Case No. 2300-99-007 by the parties hereby adopts the Surrender of Nursing License in this matter.

DATED this 3rd day of June 1999, at Anchorage, Alaska.

BOARD OF NURSING

BY: [signature]
Chairperson

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RAH/Robert3

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