BEFORE THE TEXAS BOARD OF NURSING

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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

In the Matter of Vocational Nurse	§	AGREED
License Number 114120	§	
issued to CATHY ANN FREY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of CATHY ANN FREY, Vocational Nurse License Number 114 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 30, 2010, 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(s).

2. Respondent waived 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 San Jacinto College, Houston, Texas, December 13, 1985. Respondent was licensed to practice vocational nursing in the State of Texas on May 22, 1986.

5. Respondent's nursing employment history includes:

1985 - 1986	GVN/LVN	Office of Dr. Girardeau Houston, Texas
1986 - 1988	LVN/Charge Nurse	Medical Clinic of Pearland Pearland, Texas

Respondent's nursing employment history continued:

1991 - 2000	LVN/Charge Nurse	Friendswood Pediatric Clinic Friendswood, Texas
2001 - 2001	LVN Staff Nurse Pediatrics	Clear Lake Regional Hospital Webster, Texas
2002 - 2005	Hospice Nurse	Continuous Care Solutions Fort Worth, Texas
2005 - 2006	LVN/weekend on-call	American Hospice Houston, Texas
07/06 - 12/08	Hospice Nurse	A-Med Community Hospice Texas City, Texas
01/09 - Present	Unknown	

6. At the time of the incidents, Respondent was employed as a Hospice Nurse with A-Med Community Hospice, Texas City, Texas, and had been in this position for two (2) years and five (5) months.

7. On or about December17, 2008, while employed with A-Med Community Hospice, Texas City, Texas, Respondent failed to follow the policy and procedure for the wastage/destruction of narcotics in that Respondent removed Morphine and Ativan from the home of Patient PC and took them home. Respondent's conduct was likely to deceive the agency and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. On or about December17, 2008, while employed with A-Med Community Hospice, Texas City, Texas, Respondent made false entries on the Death/Discharge Summary for Patient PC in that she documented that she destroyed narcotics, however Respondent removed Morphine and Ativan from the home of Patient PC and took them home. Respondent's conduct resulted in an inaccurate medical record and was likely to deceive the agency who relied on the accuracy of the information.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she inadvertently took the medications home because of the ensuing chaos in the home and various activities following the death of the patient. She began to complete the death/discharge summary and requested two relatives to witness narcotics disposal. After signing the form, they proceeded to the bathroom to flush the medications but it was occupied. She placed the medication bottles in her pocket and went downstairs. She forgot to re-summon the witnesses later to flush the medications. She left the patient's home at 0100 a.m. and went to another patient's home. She discovered the medications in her pocket and placed them in her workbag with the intent of notifying the supervisor and returning

them the next day. She was exhausted from working all night and when she got home to went to sleep. She had completely forgotten about the medication in her bag until she received a call from A-Med regarding her weekend assignment. She returned the medications and the narcotic count sheet to the agency and the count was correct.

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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D) and 217.12(1)(A), (6)(A),(10)(C)&(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 114120, heretofore issued to CATHY ANN FREY, 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(s) is/are 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, 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.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to

accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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 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.*

(4) 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.

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.

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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6 day of December 2010.

Cathy Ann Frey

CATHY ANN FREY, Respondent

Sworn to and subscribed before me this 6 day of Dec., 2010.

SEAL

TONYA ELISIA JONES
Notary Public, State of Texas
My Commission Expires
July 26, 2014

Tonya E. Jones

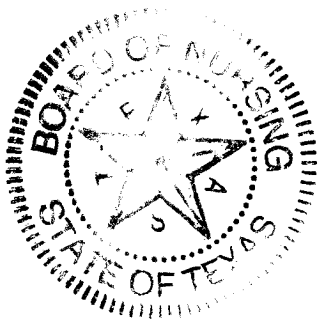
Notary Public in and for the State of Texas

Approved as to form and substance.

Dorothy Dafey Oruaga, Attorney for Respondent

Signed this 6 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 6th day of December, 2010, by CATHY ANN FREY, Vocational Nurse License Number 114120, and said Order is final.



Effective this **15th** day of **December**, **2010**.

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