BEFORE THE TEXAS BOARD OF NURSING

****

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 License Number 185295	§	AGREED
issued to PATRICIA LEE DECAS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of PATRICIA LEE DECAS, Vocational Nurse License Number 185 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 6, 2011, 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.

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 Coastal Bend College, Beeville, Texas, on May 8, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on August 8, 2002.

5. Respondent's vocational nursing employment history includes:

05/02 - 10/04	Charge Nurse	Frank M. Tejeda Texas State Veterans Home Floresville, TX

Respondent's vocational nursing employment history (continued):

10/04 - 04/05	Charge Nurse	Blue Bonnet Manor Karnes City, TX
08/05 - 05/07	Charge Nurse	Hacienda Oaks Nursing Home Beeville, TX
10/07 - 01/09	Charge Nurse	Woodridge Nursing and Rehab Beeville, TX
08/10 - 10/10	Treatment Nurse	Woodridge Nursing and Rehab Beeville, TX
11/10 - Present	Unknown	

6. On or about May 26, 2009, Respondent was issued an Agreed Order by the Texas Board of Nursing, requiring Respondent to apply to, and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated May 26, 2009, is attached and incorporated, by reference, as part of this Order.

7. At the time of the initial incident, Respondent was employed as a treatment nurse with Woodridge Nursing and Rehab, Beeville, Texas, and has been in this position for approximately one (1) month.

8. On or about October 13, 2010, while enrolled in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of Butalbitol (Barbiturate) in that she submitted a specimen for a random drug screen which resulted positive for Butalbitol (Barbiturate). Possession of Barbiturates without a lawful prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Barbiturates by a Vocational 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 October 13, 2010, Respondent failed to comply with the Agreed Order issued to her on May 26, 2009, by the Texas Board of Nursing. Respondent's non-compliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) in that she submitted a specimen for a drug screen which resulted positive for Butalbitol (Barbiturate). Stipulation Number Three (3) of the Agreed Order dated May 26, 2009, reads, in pertinent part:

   (3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

10. In response to Finding of Fact Number Seven (7) and Eight (8), Respondent states that she had been ill and was unable to keep any food or liquid down for several days. Respondent states that the only medications she had consumed were over the counter, and even had difficulty keeping those down. Respondent states she had a difficult time with the TPAPN program because she felt it was very inconsistent. Respondent states that she submitted all self reports and 12 step attendance records and made weekly contact with her advocate and sponsor.

11. Respondent's last known date of sobriety is October 13, 2010, as indicated in Finding of Fact Number Eight (8).

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 a violation of Section 301.452(b)(1),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9),(10)(D)&(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 185295, heretofore issued to PATRICIA LEE DECAS, including revocation of Respondent's license 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 Vocational Nurse License Number 185295, previously issued to PATRICIA LEE DECAS, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides

documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

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 is 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.

IT IS FURTHER AGREED, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(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 all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL pay a monitoring fee in the amount of six hundred ($600) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. 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.

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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.*

(5) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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://learningext.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 THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(6) 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.

(7) 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.

(8) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse or by a Licensed Vocational Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only

on regularly assigned, identified and predetermined unit(s). The 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.

(9) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse or by a Licensed Vocational 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.

(10) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(11) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(12) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(13) 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 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) months for three (3) years of employment as a nurse.

(14) 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.**

(15) 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. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. 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 and nurse licensure compact privilege, if any, to practice nursing in the State of Texas.

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

Signed this 10th day of May, 2011.

PATRICIA LEE DECAS, Respondent

Sworn to and subscribed before me this 10th day of May, 2011.

Notary Public in and for the State of TEXAS

SEAL
SALLY A. PERRY
NOTARY PUBLIC
NOTARY WITHOUT BOND
STATE OF TEXAS
EXPIRES
04-20-10

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of May, 2011, by PATRICIA LEE DECAS, Vocational Nurse License Number 185295, and said Order is final.

Effective this 14th day of June, 2011.

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse License Number 185295	§	AGREED
issued to PATRICIA LEE DECAS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PATRICIA LEE DECAS, Vocational Nurse License Number 185295, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 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 Coastal Bend College, Beeville, Texas, on May 8, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on August 8, 2002.

5. Respondent's vocational nursing employment history includes:

08/02 - 10/04	Charge Nurse	Texas State Veterans Home Floresville, TX

Respondent's vocational nursing employment history (continued):

10/04 - 04/05	Charge Nurse	Blue Bonnet Manor Karnes City, TX
08/05 - 11/06	LVN	Hacienda Oaks Nursing Home Beeville, TX
12/06 - Present	Unknown	

6. At the time of the incident referenced in Finding of Fact Number Nine (9), Respondent was employed as a Licensed Vocational Nurse with Hacienda Oaks Nursing Home, Beeville, Texas, and had been in this position for approximately one (1) year and two (2) months.

7. On or about March 14, 2005, Respondent entered a plea of Guilty and was subsequently Convicted of ISSUANCE OF A BAD CHECK (a Misdemeanor offense committed on September 20, 2003), filed in the County Court of Karnes County, Karnes City, Texas, under Cause No. 8850-04. As a result of the conviction, Respondent was ordered to pay a fine, restitution, and court costs.

8. On or about December 15, 2005, Respondent entered a plea of Guilty and was subsequently Convicted of the lesser included offense of ISSUANCE OF A WORTHLESS CHECK (a Misdemeanor offense committed on May 13, 2005), filed in the County Court of Karnes County, Karnes City, Texas, under Cause No. 9347-05. As a result of the conviction, Respondent was ordered to pay a fine, restitution, and court costs.

9. On or about October 12, 2006, while employed at as a Licensed Vocational Nurse with Hacienda Oaks Nursing Home, Beeville, Texas, Respondent telephonically passed an unauthorized prescription refill for forty (40) tablets of Caprisoprodol 325mg to Schulz & Wroten Pharmacy, Beeville, Texas, using the name of James M. Chandler, M.D., and the Drug Enforcement Agency (DEA) number assigned to Dr. Chandler. Respondent's conduct was likely to deceive the pharmacy and possession of Caprisoprodol through use of a unauthorized, fraudulent telephonically communicated prescription is prohibited by Chapters 481 (Controlled Substances Act) and 483 (Dangerous Drugs Act).

10. On or about January 18, 2007, Respondent entered a plea of Guilty and was subsequently Convicted of the lesser included offense of ISSUANCE OF A WORTHLESS CHECK (a Misdemeanor offense committed on April 5, 2005), filed in the County Court of Karnes County, Karnes City, Texas, under Cause No. 9879-06. As a result of the conviction, Respondent was ordered to pay a fine, restitution, and court costs.

11. On or about March 21, 2007, Respondent submitted her Texas Online Renewal Document for Licensed Vocational Nurses for the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information in that she answered "No" to the question:

> Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This included expunged offenses and deferred adjudications with or without a finding of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed; therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes". You may answer "no" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form.

On or about October 12, 2006, Respondent was arrested by the Beeville Police Department, Beeville, Texas, for POSSESSION OF A CONTROLLED SUBSTANCE - PENALTY GROUP 1 <1 GRAM (a State Jail Felony offense) and FORGING/ALTERING A PRESCRIPTION (a Class B Misdemeanor offense).

On or about January 18, 2007, Respondent was Convicted of the lesser included offense of ISSUANCE OF A WORTHLESS CHECK (a Misdemeanor offense committed on April 5, 2005), filed in the County Court of Karnes County, Karnes City, Texas, under Cause No. 9879-06.

12. In response to Finding of Fact Number Eleven (11), Respondent states that she did not clearly understand the question. Additionally, Respondent states that she voluntarily entered a residential program and successfully completed it in ninety (90) days.

13. On or about February 24, 2007, Respondent was arrested by the Karnes County Sheriff's Office, Karnes City, Texas, for DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on February 24, 2007).

On or about May 30, 2007, Respondent entered a plea of Guilty to OBSTRUCT HIGHWAY PASSAGEWAY (a Misdemeanor offense committed on February 24, 2007) , filed in the County Court of Karnes County, Karnes City, Texas, under Cause No. 9985-07. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilty and Respondent was placed on community supervision for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine, restitution, and court costs.

14. 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.

15. Formal Charges were filed on February 12, 2009.

16. Formal Charges were mailed to Respondent on February 17, 2009.

17. 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)(2)&(10), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.12(6)(H)&(I),(10)(E),(11)(B)&(13).

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 185295, heretofore issued to PATRICIA LEE DECAS, 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 PATRICIA LEE DECAS, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

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

(2) 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) 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.*

(3) 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 ($350.00) payable to TPAPN.

(4) 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.

(5) 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.

(6) 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.

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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 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 (3) through Six (6) 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 19th day of MAY, 2008.

Patricia Lee Decas

PATRICIA LEE DECAS, Respondent

Sworn to and subscribed before me this 19th day of MAY, 2008.

SEAL

Ernest D. Garcia

Notary Public in and for the State of 6.15.11

NOTARY PUBLIC STATE OF TEXAS
Ernest D Garcia
My Commission Expires
06/15/2011

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 19th day of May, 20 09, by PATRICIA LEE DECAS, Vocational Nurse License Number 185295, and said Order is final.

Entered and effective this 26th day of May, 2009.

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