IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 677730	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
ANGELA CHRISTINE CAIN	§	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 THE BOARD

TO: Angela Christine Cain
5001 Golden Triangle Blvd, # 2311
Keller, Texas 76248

During open meeting held in Austin, Texas, on June 14, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

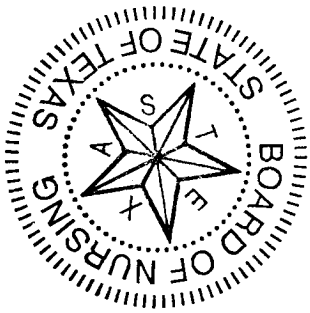
The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 677730, previously issued to ANGELA CHRISTINE CAIN, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.



Entered this 14th day of June, 2011.

TEXAS BOARD OF NURSING

BY: _____

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed April 29, 2011.

Re: Permanent Certificate Number 677730
Issued to ANGELA CHRISTINE CAIN
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of June, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Angela Christine Cain
5001 Golden Triangle Blvd, 2311
Keller, Texas 76248

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 677730, Issued to	§	
ANGELA CHRISTINE CAIN, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ANGELA CHRISTINE CAIN, is a Registered Nurse holding license number 677730, 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 January 5, 2010, while employed as a Registered Nurse with Baylor Health Care, Irving, Texas, Respondent withdrew Dilaudid 30ml at 1107 and 1846 from the Medication Dispensing System (Omnicell) for Patient Medical Record Number 113183024 that was not under her care. Respondent's conduct was likely to defraud the facility and patient of the cost of the medication.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(C)&(P) and 217.12(1)(A),(B),&(4).

CHARGE II.

On or about January 5, 2010, while employed as a Registered Nurse with Baylor Health Care, Irving, Texas, Respondent withdrew Dilaudid 30ml at 1107 and 1846 from the Medication Dispensing System (Omnicell) for Patient Medical Record Number 113183024, but failed to document the administration of the medication in the patients' Medication Administration Records and/or nurse's notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose. Furthermore, Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) &(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D), and 217.12(4)&(11)(B).

CHARGE III.

On or about January 5, 2010, while employed as a Registered Nurse with Baylor Health Care, Irving, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System (Omnicell) for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and

placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(4),(10)(C)&(11)(B).

CHARGE IV.

On or about January 5, 2010, while employed as a Registered Nurse with Baylor Health Care, Irving, Texas, Respondent misappropriated Dilaudid from the facility and patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE V.

On or about February 2, 2010, while employed as a Registered Nurse with Baylor Health Care, Irving, Texas, Respondent withdrew Dilaudid, Morphine and Ativan from the Medication Dispensing System (Omnicell) for patients, but failed to document, or accurately document the administration of the medication in the patients' Medication Administration Records and/or nurse's notes, as follows:

Date	Patient	Order	Narc Log	MAR	Notes	Waste
2/2/10	113110746 *Room 50*	Dilaudid 1mg IV q2h PRN	1mg Dilaudid @ 0757	None	None by Respondent	None
2/2/10	113110746 *Room 50*	Dilaudid 1mg IV q2h PRN	1mg Dilaudid @ 1014	None	None by Respondent	None
2/2/10	113110746 *Room 50*	Dilaudid 1mg IV q2h PRN	1mg Dilaudid @ 1440	None	None by Respondent	None
2/2/10	113110746 *Room 50*	Dilaudid 1mg IV q2h PRN	1mg Dilaudid @ 1648	None	None by Respondent	None
2/2/10	113267074 *Room 55*	Ativan 2mg IV q4h PRN	2mg Ativan @ 1649	None	None by Respondent	None
2/2/10	113267074 *Room 55*	Morphine Sulfate 2mg IV q4h PRN	2mg Morphine @ 1650	None	None by Respondent	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Furthermore, Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D) and 217.12(4)&(11)(B).

CHARGE VI.

On or about February 2, 2010, while employed as a Registered Nurse with Baylor Health Care, Irving, Texas, Respondent withdrew Dilaudid, Morphine and Ativan from the Medication Dispensing System (Omnicell) for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(4),(10)(C)&(11)(B).

CHARGE VII.

On or about February 2, 2010, while employed as a Registered Nurse with Baylor Health Care, Irving, Texas, Respondent misappropriated Dilaudid, Morphine and Ativan from the facility and patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE VIII.

On or about March 16, 2010 through May 11, 2010, while employed as a Registered Nurse with North Hills Hospital, North Richland Hills, Texas, Respondent withdrew Dilaudid, Norco, and Morphine from the Medication Dispensing System for patients, but failed to document that administration of the medications in the patients' Medication Administration Records and/or nurse's notes, as follows:

Date	Patient	Order	Narc Log	MAR	Notes	Waste
3/16/10	30277028	Dilaudid PCA	30ml Dilaudid PCA @ 1352	None	None	None
3/29/10	30379292	Dilaudid 2mg IV q1h PRN	2mg Dilaudid @ 1053	2mg Dilaudid @ 1051	None	None
3/30/10	30379292	Dilaudid 2mg IV q1h PRN	2mg Dilaudid @ 0846	None	chest pain @ 1200.	None
3/30/10	30379292	Dilaudid 2mg IV q1h PRN	2mg Dilaudid @ 1743	None	None	None

4/8/10	30416936	Morphine Sulfate 4mg IV q2h PRN	4mg Morphine @ 1817	None	None	None
4/13/10	30410156	Dilaudid 2mg IV q2h PRN	2mg Dilaudid @ 1307	None	1351-medicated	None
4/14/10	30410156	Dilaudid 2mg IV q2h PRN	2mg Dilaudid @ 1613	None	None	None
4/14/10	30410156	Dilaudid 2mg IV q2h PRN	2mg Dilaudid @ 1819	None	None	None
3/28/10	30383425	Dilaudid 2mg IV q3h PRN	2mg Dilaudid @ 1140	None	None	None
5/4/10	30455477	Norco 10/325mg 2 tab PO q6h PRN	2 Norco 10/325mg @ 1629	None	None by Respondent	None
5/8/10	30488330	Ativan 0.5mg IV q4h PRN	2mg Ativan @ 1221	0.5mg Ativan @ 1226	None	None
5/11/10	30488330	Ativan 0.5mg IV q4h PRN	2mg Ativan @ 1221	0.5mg Ativan @ 1306	None	None
5/11/10	30474925	Norco 5/325mg 2 tab PO q6h PRN	1 Norco 5/325mg @ 1332	None	None	None
5/11/10	30474925	Norco 5/325mg 2 tab PO q6h PRN	1 Norco 5/325mg @ 1758	documented as given @ 1803	None	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose. Furthermore, Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D) and 217.12(4)&(11)(B).

CHARGE IX.

On or about March 16, 2010 through May 11, 2010, while employed as a Registered Nurse with North Hills Hospital, North Richland Hills, Texas, Respondent withdrew Dilaudid, Norco, Lorazepam, and Morphine from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for the wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(4),(10)(C)&(11)(B).

CHARGE X.

On or about March 16, 2010 through May 11, 2010, while employed as a Registered Nurse with North Hills Hospital, North Richland Hills, Texas, Respondent misappropriated Dilaudid, Norco, Lorazepam, and Morphine from the facility and patients thereof, or failed to take the precautions to

prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications. Furthermore, Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE XI.

On or about May 19, 2010, while employed as a Registered Nurse with North Hills Hospital, North Richland Hills, Texas, Respondent lacked fitness to practice professional nursing, in that while on duty, she was observed to be unsteady on her feet and have difficulty standing. Respondent's eyes were droopy, bloodshot, and she had difficulty keeping them open. Respondent's speech was slurred, she appeared unable to function, and her hands were trembling. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A)&(E),(4)&(5).

CHARGE XII.

On or about May 19, 2010, while employed as a Registered Nurse with North Hills Hospital, North Richland Hills, Texas, Respondent engaged in the intemperate use of Morphine, in that she produced a specimen for a drug screen that resulted positive for Morphine. The unlawful possession of Morphine, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(E),(4),(5),(10)(A)&(D)and(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license 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).

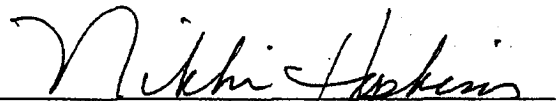
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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, for Lying and Falsification, for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

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

Filed this 29th day of April, 2011.

TEXAS BOARD OF NURSING



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