

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 151737
ISSUED TO
MICHELLE DENISE PRICE

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF 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.
Michelle P. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: MICHELLE DENISE PRICE
1402 THUNDERBIRD DR.
PLAINVIEW, TX 79072

During open meeting held in Austin, Texas, on May 10, 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 vocational 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.

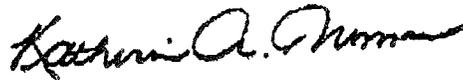
NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 151737, previously issued to MICHELLE DENISE PRICE, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed January 12, 2011.

Re: Permanent Certificate Number 151737
Issued to MICHELLE DENISE PRICE
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 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):

MICHELLE DENISE PRICE
1402 THUNDERBIRD DR.
PLAINVIEW, TX 79072

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 151737, Issued to §
MICHELLE DENISE PRICE, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHELLE DENISE PRICE, is a Vocational Nurse holding license number 151737, 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 June 8, 2009, Respondent failed to comply with the Agreed Order issued to her on April 23, 2009, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Order which states, in pertinent part:

(2) Respondent shall pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of entry of this Order....

A copy of the April 23, 2009, 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) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE II.

On or about April 24, 2010, Respondent failed to comply with the Agreed Order issued to her on April 23, 2009, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three (3) of the Order which states, in pertinent part:

(3) Respondent shall, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

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

CHARGE III.

On or about April 24, 2010, Respondent failed to comply with the Agreed Order issued to her on April 23, 2009, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Four (4) of the Order which states, in pertinent part:

(4) Respondent shall, within one (1) year of entry of this Order, successfully complete a course in nursing documentation....

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

CHARGE IV.

On or about April 24, 2010, Respondent failed to comply with the Agreed Order issued to her on April 23, 2009, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Five (5) of the Order which states, in pertinent part:

(5) Respondent shall, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills"....

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

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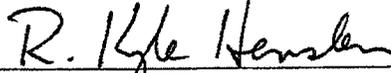
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice vocational nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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 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 April 23, 2009.

Filed this 12th day of January, 2011

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
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State Bar No. 24052269

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State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated April 23, 2009.

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 151737 §
issued to MICHELLE DENISE PRICE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHELLE DENISE PRICE, Vocational Nurse License Number 151737, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 11, 2008, 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 Amarillo College, Amarillo, Texas, on January 6, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on March 7, 1995.

5. Respondent's vocational nursing employment history includes:

03/95-06/97	LVN	Methodist Hospital Plainview, Texas
07/97-01/98	LVN	Lewisville Manor Lewisville, Texas
11/97-06/98	LVN	Trinity Medical Center Carrollton, Texas
07/98-10/98	Unknown	
11/98-07/02	LVN	Prairie House Living Center Planview, Texas
08/02-12/02	LVN	NurseFinders Dallas, Texas
01/03-02/08	LVN	Trinity Medical Center Carrollton, Texas
03/08-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Trinity Medical Center, and had been in this position for approximately four (4) years and eleven (11) months.

7. On or about December 5, 2007, through December 24, 2007, while employed as a Licensed Vocational Nurse with Trinity Medical Center, Carrollton, Texas, Respondent withdrew Xanax, Keppra, Ambien, and Zofran from the Medication Dispensing System Record (Omnicell) for patients, but failed to document, or accurately document the administration of the medications in the patients' Medical Administration Records (MAR), as follows:

Date	Medical Record Number	Physician's Order	Medication Dispensing System Record (Omnicell)	Medication Administration Record	Nurse's Notes
12/5/07	324182	Xanax 0.25mg PO q 8hrs PRN	Xanax 0.25mg @ 8:58pm	Xanax 0.25mg PO q 8hrs PRN @ 2100 (No initials and not crossed out as given)	Not Documented
12/8/07	514122	Keppra 500mg tab BID	Keppra 500mg @ 8:31pm	Not Documented (Withdrawn twice, documented once)	Not Available

12/9/07	462891	Ambien 10mg=2 tabs HS PRN PO	(2) Ambien 5mg @ 9:30pm	Not Documented	Not Available
12/24/07	515845	Xanax 0.25mg PO q 6hrs PRN	Xanax 0.25mg @ 8:05pm	Not Documented	Not Available
12/24/07	515845	Zofran 4mg q 4hrs PRN IV	Zofran 4mg @ 8:05pm	Not Documented	Not Available

Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

8. On or about December 5, 2007, through December 26, 2007, while employed as a Licensed Vocational Nurse with Trinity Medical Center, Carrollton, Texas, Respondent removed Phenergan, Dilaudid, Xanax, Zofran, Keppra, and Ativan from the Medication Dispensing System (Omnicell) for patients, but failed to follow policy and procedure in place for the wastage of any of the unused portions of the medication, or wastage of any of the unused portions of the medication in a timely manner, as follows:

Date	Medical Record Number	Physician's Order	Medication Dispensing System Record (Omnicell)	Medication Administration Record	Nurse's Notes	Wastage
12/5/07	324182	Xanax 0.25mg PO q 8hrs PRN	Xanax 0.25mg @ 8:58pm	Xanax 0.25mg PO q 8hrs PRN @ 2100 (No initials and not crossed out as given)	Not Documented	None
12/5/07	324182	Phenergan 12.5mg IV q 6hrs PRN	Phenergan 25mg @ 10:11pm	Phenergan PRN 12.5mg IV q 6 hrs @ 2400	2400 c/o nausea Phenergan given. See MAR	None
12/6/07	324182	Phenergan 12.5mg IV q 6hrs PRN	Phenergan 25mg @ 6:17am	Phenergan PRN 12.5mg IV q 6 hrs @ 0625	0625 c/o nausea Phenergan given. See MAR	None
12/8/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 8:10pm	Phenergan 12.5mg IV Q 4hrs PRN for @ 2015	Not Available	None
12/8/07	514122	Keppra 500mg tab BID	Keppra 500mg @ 8:31pm	Not Documented	Not Available	None
12/8/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 11:35pm	Dilaudid 1mg Q4-6 PRN Pain IV @ 2355	Not Available	12/09/07 1mg @ 6:43am
12/8/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 11:35pm	Phenergan 12.5mg IV Q 4hrs PRN for @ 2355	Not Available	None

12/9/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 3:33am	Phenergan 12.5mg IV Q 4hrs PRN for @ 0330	Not Available	None
12/9/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 3:33am	Dilaudid 1mg Q4-6 PRN Pain IV@ 0330	Not Available	1mg @ 6:43am
12/9/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 6:41am	Phenergan 12.5mg IV Q 4hrs PRN for @ 0700	Not Available	None
12/9/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 6:41am	Dilaudid 1mg Q4-6 PRN Pain IV@ 0700	Not Available	1mg @ 6:43am
12/9/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 6:41am	Not Documented	Not Available	1mg @ 6:43am
12/9/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 9:18pm	Phenergan 12.5mg IV Q 4hrs PRN for @ 2115	Not Available	None
12/9/07	462891	Ambien 10mg=2 tabs HS PRN PO	(2) Ambien 5mg @ 9:30pm	Not Documented	Not Available	None
12/10/07	462891	Ativan 1 mg PO/IV Q4H PRN anxiety	Ativan 2mg @ 12:37am	Ativan 1 mg PO/IV Q4H PRN @ 0100	Not Available	1mg @ 5:45am
12/10/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 12:37am	Dilaudid 1mg Q4-6 PRN Pain IV@ 0100	Not Available	1mg @ 5:45am
12/10/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 12:37am	Phenergan 12.5mg IV Q 4hrs PRN for @ 0100	Not Available	None
12/10/07	462891	Ativan 1 mg PO/IV Q4H PRN anxiety	Ativan 2mg @ 4:30am	Ativan 1 mg PO/IV Q4H PRN @ 0430	Not Available	1mg @ 5:45am
12/10/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 4:30am	Dilaudid 1mg Q4-6 PRN Pain IV@ 0430	Not Available	1mg @ 5:45am
12/10/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 4:30am	Phenergan 12.5mg IV Q 4hrs PRN for @ 0430	Not Available	None
12/24/07	515845	Xanax 0.25mg PO q 6hrs PRN	Xanax 0.25mg @ 8:05pm	Not Documented	Not Available	None

12/24/07	515845	Zofran 4mg q 4hrs PRN IV	Zofran 4mg @ 8:05pm	Not Documented	Not Available	None
12/25/07	515845	Dilaudid 3mg IVP q 3hrs PRN	(2) Dilaudid 2mg @ 9:24pm	Dilaudid 3mg IVP q 3hrs PRN @ 2130	Not Available	0.5mg @ 9:25pm
12/26/07	515845	Dilaudid 3mg IVP q 3hrs PRN	(2) Dilaudid 2mg @ 12:21am	Dilaudid 3mg IVP q 3hrs PRN @ 0030	Not Available	0.5mg @ 5:37am
12/26/07	515845	Dilaudid 3mg IVP q 3hrs PRN	(2) Dilaudid 2mg @ 2:40am	Dilaudid 3mg IVP q 3hrs PRN @ 0300	Not Available	0.5mg @ 5:37am
12/26/07	515845	Dilaudid 3mg IVP q 3hrs PRN	(2) Dilaudid 2mg @ 5:36am	Dilaudid 3mg IVP q 3hrs PRN @ 0600	Not Available	0.5mg @ 5:37am
12/26/07	515845	Dilaudid 3mg IVP q 3hrs PRN	(2) Dilaudid 2mg @ 7:18pm	Dilaudid 3mg IVP q 3hrs PRN @ 1915	1915 Notes pain level 10/10 Dilaudid given. See MAR	0.5mg @ 7:19pm
12/26/07	515845	Dilaudid 3mg IVP q 3hrs PRN	(2) Dilaudid 2mg @ 9:50pm	Dilaudid 3mg IVP q 3hrs PRN @ 2200	2200 "c/o pain. Rates level 9/10. Dilaudid given. See MAR"	12/27/07 1mg @ 5:46am

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).

9. On or about December 8, 2007, through December 26, 2007, while employed as a Licensed Vocational Nurse with Trinity Medical Center, Carrollton, Texas, Respondent removed Phenergan, Dilaudid, and Ativan from the Medication Dispensing System (Omniceil) for patients in excess frequency of the physicians' orders, as follows:

Date	Medical Record Number	Physician's Order	Medication Dispensing System Record (Omniceil)	Medication Administration Record	Nurse's Notes	Time Since Last Dose (hr:min)
12/8/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 11:35pm	Phenergan 12.5mg IV Q 4hrs PRN for @ 2355	Not Available	3:40
12/8/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 11:35pm	Dilaudid 1mg Q4-6 PRN Pain IV @ 2355	Not Available	3:40
12/8/07	462891	Ativan 1 mg PO/IV Q4H PRN anxiety	Ativan 1mg @ 11:35pm	Ativan 1 mg PO/IV Q4H PRN @ 2355	Not Available	3:40
12/9/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 3:33am	Phenergan 12.5mg IV Q 4hrs PRN for @ 0330	Not Available	3:35

12/9/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 3:33am	Dilaudid 1mg Q4-6 PRN Pain IV@ 0330	Not Available	3:35
12/8/07	462891	Ativan 1 mg PO/IV Q4H PRN anxiety	Ativan 1mg @ 3:33am	Ativan 1 mg PO/IV Q4H PRN @ 0330	Not Available	3:35
12/9/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 6:41am	Phenergan 12.5mg IV Q 4hrs PRN for @ 0700	Not Available	3:30
12/9/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 6:41am	Dilaudid 1mg Q4-6 PRN Pain IV@ 0700	Not Available	3:30
12/9/07	462891	Ativan 1 mg PO/IV Q4H PRN anxiety	Ativan 2mg @ 6:41am	Ativan 1 mg PO/IV Q4H PRN @ 0700	Not Available	3:30
12/9/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 9:18pm	Phenergan 12.5mg IV Q 4hrs PRN for @ 2115	Not Available	2:15
12/9/07	462891	Ativan 1 mg PO/IV Q4H PRN anxiety	Ativan 1mg @ 9:17pm	Ativan 1 mg PO/IV Q4H PRN @ 2115	Not Available	2:15
12/10/07	462891	Ativan 1 mg PO/IV Q4H PRN anxiety	Ativan 2mg @ 12:37am	Ativan 1 mg PO/IV Q4H PRN @ 0100	Not Available	3:45
12/10/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 12:37am	Dilaudid 1mg Q4-6 PRN Pain IV@ 0100	Not Available	3:45
12/10/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 12:37am	Phenergan 12.5mg IV Q 4hrs PRN for @ 0100	Not Available	3:45
12/10/07	462891	Ativan 1 mg PO/IV Q4H PRN anxiety	Ativan 2mg @ 4:30am	Ativan 1 mg PO/IV Q4H PRN @ 0430	Not Available	3:30
12/10/07	462891	Dilaudid 1mg IV Q4-6 PRN Pain	Dilaudid 2mg @ 4:30am	Dilaudid 1mg Q4-6 PRN Pain IV@ 0430	Not Available	3:30
12/10/07	462891	Phenergan 12.5mg IV Q 4hrs PRN for nausea/vomiting	Phenergan 25mg @ 4:30am	Phenergan 12.5mg IV Q 4hrs PRN for @ 0430	Not Available	3:30
12/26/07	515845	Dilaudid 3mg IVP q 3hrs PRN	(2) Dilaudid 2mg @ 2:40am	Dilaudid 3mg IVP q 3hrs PRN @ 0300	Not Available	2:30

Respondent's conduct was likely to injure the patient in that the administration of Phenergan, Dilaudid, and Ativan in excess frequency/dosage of the physician's order could result in the patient suffering from adverse reactions.

- On or about December 5, 2007, through December 26, 2007, while employed as a Licensed Vocational Nurse with Trinity Medical Center, Carrollton, Texas, Respondent misappropriated medications from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

11. On or about December 28, 2007, while employed as a Licensed Vocational Nurse with Trinity Medical Center, Carrollton, Texas, Respondent lacked fitness to practice vocational nursing in that she appeared sleepy while on duty. 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.
12. On October 28, 2008, Respondent submitted for evaluation by John Lehman, PhD, Clinical Psychologist, Richardson, Texas. Dr. Lehman states that during the time period in question, May through December 2007, Respondent was experiencing significant medical problems including severe ulcers. She was in and out of the hospital at the time and on medications including Xanax and narcotic pain medications that could have interfered with her work. She reports no use of these medications since March 2008. She has had depression at times due to situational stressors. She is no longer taking any medications for depression. Dr. Lehman states, "She did poorly with her documentation and may have used bad judgment working when she was ill. There is no evidence from either the psychological evaluation or the polygraph to indicate there is a drug abuse issue. Further, she has recovered physically from her health issues and is no longer taking medication that would be a concern for her ability to function on the job."

Dr. Lehman concludes that Respondent appears to be fit to practice at this time. He believes that she can work within the law and rules of the Board of Nursing. He does recommend some remedial education course work on documentation.

13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B),(C),(D)&(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(5), (6)(G),(10)(B)&(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 151737, heretofore issued to MICHELLE DENISE PRICE, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, 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 multistate licensure privilege, if any, to practice vocational nursing in compact states.

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 that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to MICHELLE DENISE PRICE, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of 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 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>

(4) 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>

(5) 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://www.learningext.com/products/generalce/critical/ctabout.asp>

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL 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 STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations 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 stipulations 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) RESPONDENT SHALL be supervised by a Registered Nurse or 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.

(9) 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 or Licensed Vocational 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.

(10) 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.

(11) 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.

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 stipulation 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 stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further

disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for 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. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

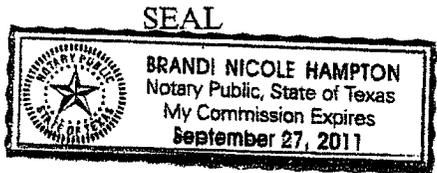
Signed this 27 day of March, 2009.

Michelle Denise Price
MICHELLE DENISE PRICE, Respondent

Sworn to and subscribed before me this 27 day of March, 2009.

[Signature]

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of March, 2009, by MICHELLE DENISE PRICE, Vocational Nurse License Number 151737, and said Order is final.

Effective this 23rd day of April, 2009.



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