BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 234650	§	
issued to CLAUDIA R. HAMILTON	§	ORDER

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

On this day, the Texas Board of Nursing, hereinafter referred to as the B accepted the voluntary surrender of Registered Nurse License Number 234650, issued to CLAU R. HAMILTON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree from McLennan Community College, Waco, Texas, on May 9, 1975. Respondent was licensed to practice professional nursing in the State of Texas on August 6, 1975.

5. Respondent's nursing employment history includes:

08/1975 - 09/2007	Unknown	
10/2007 - 9/2008	Registered Nurse	Odyssey Health Care San Antonio, Texas

Respondent's nursing employment history continued:

10/2008 to 12/08	Unknown	
01/09 - 03/09	Registered Nurse	Humana Insurance of San Antonio San Antonio, Texas
04/09 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Odyssey Health Care, San Antonio, Texas, and had been in this position for eleven (11) months.

7. On or about September 11, 2008, while employed as a Registered Nurse with Odyssey Health Care, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that after Respondent failed to report to her scheduled shift the staff contacted her at home and Respondent disclosed that she had a problem with alcohol and needed treatment. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. On or about January 30, 2009, while employed with Humana Health Insurance of San Antonio, San Antonio, Texas, Respondent engaged in the intemperate use of alcohol in that while participating in the Texas Peer Assistance Program for Nurses, Respondent provided a specimen for a drug screen which resulted positive for Ethyl Glucuronide and Ethyl Sulfate (EtG/EtS) and she admitted to drinking alcohol. The use of alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

9. On or about March 11, 2009, while employed with Humana Health Insurance of San Antonio, San Antonio, Texas, Respondent engaged in the intemperate use of alcohol in that while participating in TPAPN, Respondent provided a specimen for a drug screen which resulted positive for Ethyl Glucuronide and Ethyl Sulfate (EtG/EtS) and she admitted to drinking alcohol. The use of alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. On March 20, 2009, Respondent was dismissed from the TPAPN and referred to the Board.

11. In response to Findings of Fact Numbers Seven (7) to Nine (9), Respondent states she called in Odyssey Health Care, San Antonio, Texas, due to fatigue and issues related to surgery on her foot. Additionally, Respondent's fatigue was due to her husband having cardiac issues over the past 8 years and had been hospitalized numerous times for acute arrhythmias. Respondent went to rehabilitation for treatment of depression and alcohol issues. Respondent admitted to drinking while she was in TPAPN, and states she became frustrated with TPAPN due to its cost and number of meetings. Respondent felt she should not be in there because "I don't drink like that." Respondent states that floor nursing in no longer a position she can perform.

12 Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

13. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

14. 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 violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E),(4),(5),(9),(10)(A)&(10)(D).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 234650, heretofore issued to CLAUDIA R. HAMILTON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered License Number 234650, heretofore issued to CLAUDIA R. HAMILTON, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 26 day of April, 2011.

Claudia Hamilton

CLAUDIA R. HAMILTON, Respondent

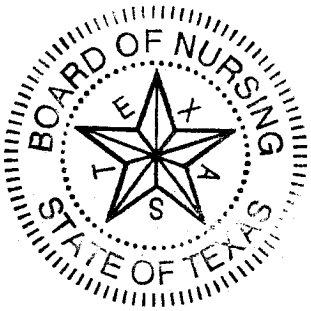
Sworn to and subscribed before me this _____ day of _____, 2011.

SEAL

_____

Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 234650, previously issued to CLAUDIA R. HAMILTON.



Effective this 4th day of May, 2011.

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