

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 669554 § AGREED
issued to DEBRA A. SHAMBLEE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DEBRA A. SHAMBLEE, Registered Nurse License Number 669554 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 2, 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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Angelina College, Lufkin, Texas on May 1, 2000. Respondent was licensed to practice professional nursing in the State of Texas on June 27, 2000.
5. Respondent's professional nursing employment history includes:

07/00 - 12/00	Unknown	
01/01 - 07/02	Staff Nurse	Memorial Health System of East TX Livingston, TX



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.
Katherine A. Thomas
Executive Director of the Board

Respondent's professional nursing employment history (continued):

08/02 - 04/03	Unknown	
05/03 - 09/09	RN	Huntsville Memorial Hospital Huntsville, TX
10/06 - 09/07	RN	Texas Home Health Huntsville, TX
02/08 - 06/08	RN	Wright Choice Home Health Kennard, TX
10/08 - 09/10	RN	Avalon Place Trinity, TX
10/10 - Current	RN	Huntsville Memorial Hospital Huntsville, TX

6. On or about October 28, 2002, 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 October 28, 2002, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Huntsville Memorial Hospital Home Care, Huntsville, Texas, and has been in this position for approximately two (2) months.
8. On or about December 15, 2010, while employed as a Registered Nurse with Huntsville Memorial Hospital Home Care, Huntsville, Texas, Respondent lacked fitness to practice professional nursing in that she had the smell of Alcohol on or about her person. Respondent's conduct 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.
9. On or about December 15, 2010, while employed as a Registered Nurse with Huntsville Memorial Hospital Home Care, Huntsville, Texas, Respondent engaged in the intemperate use of Alcohol in that she submitted to an Alcohol screen (breath) which resulted positive for Alcohol. The use of Alcohol by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, 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. In response to Finding of Fact Numbers Seven (7) and Eight (8), Respondent admits that she tested positive for Alcohol on December 15, 2010. Respondent states that she was suspended from work and was referred to TPAPN. Respondent states she signed a contract with TPAPN on December 22, 2010, and entered into an intensive out-patient treatment at La Hacienda Treatment Center in College Station. Additionally, Respondent states that she is attending 90 Meetings in 90 Days (AA meetings) and is participating in urine screens. Respondent states that she is compliant with TPAPN and is successful in her recovery efforts.
11. Respondent's last known date of sobriety is December 15, 2010, as indicated in Finding of Fact Number Eight (8) and Nine (9).
12. 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 a violation of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A)&(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(5)&(10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 669554, heretofore issued to DEBRA A. SHAMBLEE, including revocation of Respondent's license to practice nursing in the State of Texas.

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ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 669554, previously issued to DEBRA A. SHAMBLEE, 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 five hundred dollars (\$500). 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>

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 REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(4) 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.

(5) 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.

(6) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered 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.

(7) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.**

(13) 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 privileges, 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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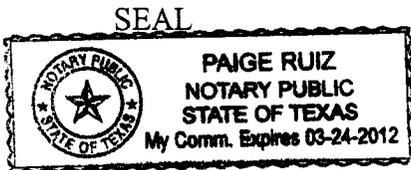
RESPONDENT'S CERTIFICATION

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 28 day of March, 2011.

Debra A. Shamblee
DEBRA A. SHAMBLEE, Respondent

Sworn to and subscribed before me this 28th day of March, 2011.



Paige Ruiz
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 28th day of March, 2011, by DEBRA A. SHAMBLEE, Registered Nurse License Number 669554, and said Order is final.

Effective this 10th day of May, 2011.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 669554 § AGREED
issued to DEBRA A. SHAMBLEE § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DEBRA A. SHAMBLEE, License Number 669554, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9) & (10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on September 25, 2002, 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 conference, 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 in Nursing from Angelina College, Lufkin, Texas, in May 2000. Respondent was licensed to practice professional nursing in the State of Texas on June 27, 2000.
5. Respondent's professional employment history includes:

January 7, 2001 to July 5, 2002	Staff Nurse/ICU Memorial Health System of East Texas Livingston, Texas
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July 6, 2002 to Present	Not Employed in Nursing
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6. At the time of the incidents, Respondent was employed as a Staff Nurse in the Intensive Care Unit with Memorial Health System of East Texas, Livingston, Texas, and had been in this position for one (1) year and six (6) months.
7. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, withdrew Demerol and Morphine from the pyxis for patients but failed to document the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurses Notes, as follows:

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR	Nurses Notes
6/6/02 @ 0940	1003316	Morphine 3-5mg IVP Q 2 hours PRN	Morphine 10mg	2 mg @ 0800	No
6/6/02 @ 1154	same	same	Morphine 10mg	No	2mg @1100
6/6/02 @ 1754	same	same	Morphine 10mg	No	No
6/6/02 @ 1825	same	same	Morphine 10mg	2mg @ 1830 5mg @ 2100 3mg @ 0145 2mg @ 0500	2mg @1830
6/11/02 @ 1002	1032767	Demerol 25mg IV Q 4 hours PRN pain	Demerol 25mg	No	No
6/11/02 @ 1145	same	same	Demerol 25mg	No	No
6/11/02 @ 0913	1002796	Morphine 4mg on hold	Morphine 10mg	No	No
6/11/02 @ 1341	same	same	Morphine 10mg	No	No
6/11/02 @ 1401	same	Morphine 2mg Q 2 hours PRN pain	Morphine 10mg	1400	No
6/11/02 @ 1746	same	same	Morphine 10mg	No	No
6/12/02 @ 0937	same	same	Morphine 10mg	No	0900
6/12/02 @ 1054	same	same	Morphine 10mg	1115	No
6/13/02 @ 0755	same	same	Morphine 10mg	No	No
6/13/02 @ 1005	same	same	Morphine 10mg	No	0900
6/23/02 @ 1228	1035003	Demerol 25mg IV Q 1 hour PRN if Darvocet not effective	Demerol 25mg	No	No
6/23/02 @ 1410	same	same	Demerol 25mg	1400	No
6/23/02 @ 1545	same	same	Demerol 25mg	No	No

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR	Nurses Notes
6/23/02 @ 1629	1035003	Demerol 25mg IV Q 1 hour PRN if Darvocet not effective	Demerol 25mg	No	No
6/23/02 @ 1739	same	same	Demerol 25mg	No	No
6/24/02 @ 0732	same	same	Demerol 25mg	No	No
6/24/02 @ 0810	same	same	Demerol 25mg	No	0800
6/24/02 @ 0937	same	same	Demerol 25mg	No	No
6/24/02 @ 1211	same	same	Demerol 25mg	No	No
6/24/02 @ 1350	same	same	Demerol 25mg	No	No
6/24/02 @ 1442	same	same	Demerol 25mg	No	No
6/24/02 @ 1528	same	same	Demerol 25mg	1500	No
6/24/02 @ 1603	same	same	Demerol 25mg	1600	No
6/28/02 @ 0818	1019605	Demerol 25mg IV Q 4 hours PRN pain	Demerol 25mg	No	No
6/28/02 @ 0943	same	same	Demerol 25mg	No	No
6/28/02 @ 1218	same	same	Demerol 25mg	No	No
6/28/02 @ 1628	same	same	Demerol 25mg	No	No
6/28/02 @ 1408	1017786	Demerol 50mg IV Q 4 hours	Demerol 25mg	No	No
6/28/02 @ 1537	same	same	Demerol 25mg	No	No
6/28/02 @ 1727	same	same	Demerol 25mg	No	No
6/29/02 @ 1555	1035886	Morphine 2mg IV Q 4 hours PRN pain	Morphine 10mg	No	No
6/29/02 @ 1857	same	same	Morphine 10mg	No	No
6/30/02 @ 1509	same	same	Morphine 10mg	2mg @ 1400	No
7/3/02 @ 0807	1036356	Morphine 2mg IV Q 3-4 hours PRN	Morphine 10mg	No	No
7/3/02 @ 1314	same	same	Morphine 10mg	No	No
7/3/02 @ 1718	same	same	Morphine 10mg	No	No
7/3/02 @ 1828	same	same	Morphine 10mg	No	No

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR	Nurses Notes
7/4/02 @ 0813	1012544	Morphine Sulfate 2mg IV Q 4 hours PRN pain	Morphine 10mg	No	No
7/4/02 @ 1802	same	same	Morphine 10mg	1800	No

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation while medicating the patients which and could result in overdose.

8. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, withdrew Demerol and Morphine from the pyxis for patients which was in excess frequency of the physician's order, as follows:

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR	Nurses Notes
6/6/02 @1754	1003316	Morphine 3-5mg IVP Q 2 hours PRN	Morphine 10mg	No	No
6/6/02 @ 1825	same	same	Morphine 10mg	2mg @ 1830 5mg @ 2100 3mg @ 0145 2mg @ 0500	2mg @1830
6/11/02 @ 1002	1032767	Demerol 25mg IV Q 4 hours PRN pain	Demerol 25mg	No	No
6/11/02 @ 1145	same	same	Demerol 25mg	No	No
6/11/02 @ 0937	1002796	Morphine 2mg Q 2 hours PRN pain	Morphine 10mg	No	0900
6/12/02 @ 1054	same	same	Morphine 10mg	1115	No
6/23/02 @ 1739	1035003	Demerol 25mg IV Q 1 hour PRN if Darvocet not effective	Demerol 25mg	No	No
6/23/02 @ 1809	same	same	Demerol 25mg	1830	1830
6/24/02 @ 0732	same	same	Demerol 25mg	No	No
6/24/02 @ 0810	same	same	Demerol 25mg	No	0800
6/24/02 @ 0913	same	same	Demerol 25mg	0900	0900
6/24/02 @ 0937	same	same	Demerol 25mg	No	No
6/24/02 @ 1528	same	same	Demerol 25mg	1500	No

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR	Nurses Notes
6/24/02 @ 1603	same	same	Demerol 25mg	1600	No
6/28/02 @ 0818	1019605	Demerol 25mg IV Q 4 hours PRN pain	Demerol 25mg	No	No
6/28/02 @ 0943	same	same	Demerol 25mg	No	No
6/28/02 @ 1218	same	same	Demerol 25mg	No	No
6/28/02 @ 1408	1017786	Demerol 50mg IV Q 4 hours	Demerol 25mg	No	No
6/28/02 @ 1537	same	same	Demerol 25mg	No	No
6/28/02 @ 1727	same	same	Demerol 25mg	No	No
6/29/02 @ 1405	1035886	Morphine 2mg IV Q 4 hours PRN pain	Morphine 10mg	2mg @1400	2mg @1400
6/29/02 @ 1555	same	same	Morphine 10mg	No	No
6/29/02 @ 1857	same	same	Morphine 10mg	No	No
7/3/02 @ 1718	1036356	Morphine 2mg IV Q 3-4 hours PRN	Morphine 10mg	No	No
7/3/02 @ 1828	same	same	Morphine 10mg	No	No
7/4/02 @ 1514	1012544	Morphine Sulfate 2mg IV Q 4 hours PRN pain	Morphine 10mg	2mg @ 1608	2mg @ 1600
7/4/02 @ 1802	same	same	Morphine 10mg	1800	No

Respondent's conduct was likely to injure the patients in that the administration of Demerol and Morphine to patients in excess frequency of the physician's order could result in the patient suffering from respiratory depression.

9. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, withdrew Demerol and Morphine from the pyxis for patients but failed to follow the policy and procedure for the wastage. Respondent failed to document the wastage and failed to obtain a witness. Respondent's conduct was likely to deceive the pharmacy and constitutes a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

10. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, withdrew Demerol and Morphine from the pyxis for patients who had been discharged or transferred to another unit, as follows:

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	Time discharged or transferred to another floor
6/11/02 @ 1145	1032767	Demerol 25mg IV Q 4 hours PRN pain	Demerol 25mg	Patient transferred to Med/Surg unit at 1100
6/13/02 @ 1005	1002796	Morphine 2mg Q 2 hours PRN pain	Morphine 10mg	Patient transferred to another floor at 0915
6/24/02 @ 1603	1035003	Demerol 25mg IV Q 1 hour PRN if Darvocet not effective	Demerol 25mg	Patient discharged at 1600
7/3/02 @ 1828	1036356	Morphine 2mg IV Q 3-4 hours PRN	Morphine 10mg	Patient discharged at 1820

Respondent's conduct was likely to defraud patients and the facility of the cost of the medications.

11. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, misappropriated Demerol and Morphine belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
12. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, engaged in the intemperate use of Demerol and Morphine. Possession of Morphine and Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine and Demerol 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.
13. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
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.
15. Respondent's conduct described in Findings Numbers seven (7) through twelve (12) resulted from Respondent's impairment by dependency on chemicals.

16. 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 violations of Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), (3), (4), (18), (19), & (20).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 669554, heretofore issued to DEBRA A. SHAMBLEE, including revocation of Respondent's professional 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 professional 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 State of Texas 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 professional 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, and Conditions One (1) through Four (4) 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 Board of Nurse Examiners, 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of October, 2002.

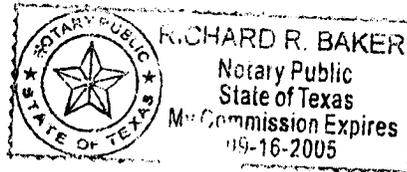
Debra A. Shamblee
DEBRA A. SHAMBLEE, Respondent

Sworn to and subscribed before me this 22nd day of October, 2002

SEAL

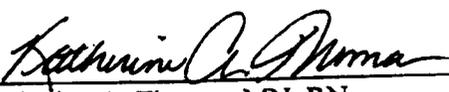
Richard R. Baker

Notary Public in and for the State of TEXAS



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 22nd day of October, 2002, by DEBRA A. SHAMBLEE, License Number 699554, and said Order is final.

Entered and effective this 28th day of October, 2002.


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