

5. Respondent's professional nursing employment history includes:

08/1990 - 08/1991	RN	The Methodist Hospital Houston, TX
09/1991 - 09-2009	RN	St. David's Medical Center Austin, TX
12/2009 - 02/2010	RN	TG Healthcare Omaha, NE
03/2010 - Present	RN	PSA Healthcare Austin, TX

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with St. David's Medical Center, and had been in this position for eighteen (18) years.

7. On or about September 16, 2009 while employed with St. David's Medical Center, Austin, Texas, Respondent submitted a specimen for a drug screen which resulted positive for Marijuana (THC). Possession of Marijuana is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Marijuana 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. In response to the incident outlined in Finding of Fact Number Seven (7), Respondent states following the positive drug screen she contacted TPAPN. At their recommendation she submitted an assessment at Seton Shoal Creek Hospital in Austin, Texas, on or about September 29, 2009. During the assessment, the Respondent disclosed that she took marijuana on Labor Day, September 7, 2009, at a friend's gathering. During the one-on-one assessment, Seton Shoal Creek Hospital noted the following: neat/well groomed appearance; 'hopeful' mood, 'cheerful' affect; fair judgment; fair insight; alert and oriented as to person, place, time, and situation; good eye contact; non-delusional. Respondent states that Seton Shoal Creek Hospital recommended that she did not meet the criteria for addiction or intensive treatment and referred her to short term facilities (Northwest Counseling) and a therapist. Respondent indicates the assessment form to TPAPN dated October 1, 2009, stated that she did not meet the criteria for outpatient treatment and recommended attending a 12 step support, individual therapy and/or education. Respondent believes that TPAPN is not appropriate for her because she is not a substance abuser and does not have an addiction; therefore, she does not meet their requirements and does not qualify as a candidate. Respondent believes that, at a minimum, she has a very low probability for substance abuse which may be addressed by an appropriate specialist or clinic and/or with continued remedial

education.

9. On October 6, 2009, Respondent's primary care physician affirmed that Respondent was "safe to be practicing nursing," had been "compliant with keeping her appointments," and was "compliant with taking medications." In short, Respondent's physician's overall opinion was that she was "doing well."
10. Respondent submitted letters of reference and support from four different individuals familiar with Respondent's character and work performance as a registered nurse. These individuals include Ms. Jill Hopper, Ms. Jan Carlson, Mr. Louie DellFave, R.N.F.A., and Ms. Michele R. Smith, R.N.
 - Ms. Jill Hopper states that she has known the Respondent as a dear friend for over 30 years, and one would be hard-pressed to encounter an individual more compassionate and caring than Respondent. She states that Respondent is a loving, patient parent and has opened up her home to every human or animal needing food or shelter. During Ms. Hopper's stay with Respondent, she was impressed by Respondent's sense of responsibility. She states that Respondent is extremely organized and hard working and makes all that she does seem effortless.
 - Ms. Jan Carlson states that she has known the Respondent for over 30 years and she is the most caring, loving, loyal and dedicated person she knows. She could always count and depend on Respondent, even if it was for a hug or moral support. She states that Respondent is supportive of people and will not give up on anyone, as she believes in giving people the chance they deserve. She states that a few years ago Respondent took in a family member's child which kept her from being placed in foster care, and she has also given other family members a place to stay to help them get their life back together. She states that Respondent truly cares and loves her friends and family and stands by their side with no judgment attached.
 - Mr. Louie DelleFave, BSN, RNFA, states that he worked with the Respondent at St. David's Hospital in Austin, TX from 1991 until 2001 and was her supervisor on the afternoon shift. He states that Respondent was a team player, a patient advocate, and was always well respected by the staff. He states that when Respondent occasionally took the Charge Nurse position in his absence he received many reports as to her ability to take control of a situation and find a reasonable resolution. He states that Respondent was well liked by her peers and respected by her Supervisors, any organization thinking of hiring her would make the right choice if they are looking for a dedicated nurse with exceptional work ethics and the most pleasant bedside manner with patients.
 - Ms. Michele R. Smith, RN, BSN, states that the Respondent was her co-worker in the operating room at St. David's Medical Center for 14 years. She states that Respondent functioned as a circulator, scrub nurse, staff nurse and supervisor, and she consistently

displayed patience, flexibility, stamina, attention to detail, compassion for her patients, and an impressive ability to work well with doctors and fellow staff. She states that Respondent is self-motivated, self-sufficient, reliable, and diligent with her paperwork, and she was an eager participant on multiple committees and has willingly given of herself for charity. Ms. Smith states that she would not hesitate to work with Respondent or have her care for either herself or her family. She states that Respondent is dedicated, professional, caring and an asset to any healthcare organization.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(10), and 22 TEX. ADMIN. CODE §217.12(10)(D).
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 564228, heretofore issued to ALTA DARLENE SCOTT.

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 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, 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 that:

(1) 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) 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>

(2) 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://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING 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 A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(3) 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 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, but only for the duration of the stipulated period under this Order. RESPONDENT SHALL present a complete copy of this Order to each future employer as a condition of accepting employment.

(4) 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.

(5) 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.

(6) 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 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.

(7) 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.**

(8) 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. 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 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 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(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) 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 have reviewed this Order. I neither admit nor deny the violation 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17 day of December, 20 10.

A. Darlene Scott

ALTA DARLENE SCOTT, Respondent

Sworn to and subscribed before me this 17 day of December, 20 10.

SEAL



Sarah K Wakefield

Notary Public in and for the State of Texas

Approved as to form and substance.

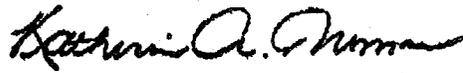
[Signature]

Phong P. Phan, Attorney for Respondent

Signed this 17 day of December, 20 10.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of January, 2011, by ALTA DARLENE SCOTT, Registered Nurse License Number 564228, and said Order is final.

Effective this 27th day of 1, 2011.



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