



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse           §       AGREED  
License Number 200864                       §  
issued to JERA SUE FOX                   §       ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of JERA SUE FOX, Vocational Nurse License Number 200864, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 2, 2010, 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 holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Lamar University- Port Arthur, Port Arthur, Texas, on August 12, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on October 11, 2005.
5. Respondent's vocational nursing employment history includes:

10/05 - 09/06	LVN	Memorial Hermann Baptist Hospital Beaumont, Texas
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Respondent's vocational nursing employment history continued:

10/06 - 03/07	Unknown	
04/07 - 07/07	LVN	Larson's Cosmetic and Breast Surgery Center Beaumont, Texas
08/07 - Present	Unknown	

6. On or about November 9, 2007, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 9, 2007, is attached and incorporated, by reference, as part of this Order.
7. At the time of the incident in Finding of Fact Number Eight (8), Respondent was employed as Vocational Nurse with Larson's Cosmetic and Breast Surgery Center, Beaumont, Texas, and had been in this position for two (2) months.
8. On or about June 19, 2007 to June 27, 2007, while employed as a Licensed Vocational Nurse with Larson's Cosmetic and Breast Surgery Center, Beaumont, Texas, Respondent obtained Cefadroxil and Hydrocodone from the Target Pharmacy, Beaumont, Texas, under her own name, through the use of a fraudulent, unauthorized prescription. Respondent's conduct was likely to deceive the pharmacy and possession of Cefadroxil and Hydrocodone through the use of a fraudulent, unauthorized, telephonically communicated prescription is prohibited by Chapter 481 (Controlled Substances Act) and Chapter 483 (Dangerous Drug Act) of the Texas Health and Safety Code.
9. On or about December 25, 2007, Respondent failed to comply with the Agreed Order issued to her on November 9, 2007, by the Board of Nurse Examiners for the State of Texas. Respondent's non-compliance is the result of her failure to comply with Stipulation Number One (1) of the Order which reads:
  - (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, . . ."

On December 25, 2007, Respondent was dismissed from TPAPN and referred to the Board.

10. On or about January 14, 2008, Respondent obtained Cefadroxil, Hydrocodone, and Diazepam from the Target Pharmacy, Beaumont, Texas, under her own name, through the use of a fraudulent, unauthorized prescription. Respondent's conduct was likely to deceive the pharmacy and possession of Cefadroxil, Hydrocodone, and Diazepam through the use of a fraudulent, unauthorized telephonically communicated prescription is prohibited by Chapter 481 (Controlled Substances Act) and Chapter 483 (Dangerous Drug Act) of the

Texas Health and Safety Code (Controlled Substances Act).

11. Respondent's last verifiable date of sobriety is unknown.
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)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9),(10)(B)(E)&(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 200864, heretofore issued to JERA SUE FOX, including revocation of Respondent's license to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 200864, previously issued to JERA SUE FOX, 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 ORDERED that Permanent Certificate Number 200864 previously issued to JERA SUE FOX, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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(s) is/are 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, 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>.

(4) RESPONDENT SHALL pay a monetary fine in the amount of six hundred dollars (\$600). 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.

**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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:**

(5) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). 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.

(6) 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.

(7) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse or by a Licensed Vocational 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.

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

(10) 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.

(11) 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.

(12) 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.

(13) 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.**

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

(15) 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 24 day of August, 2010.

Jera Sue Plasencia

JERA SUE FOX, Respondent

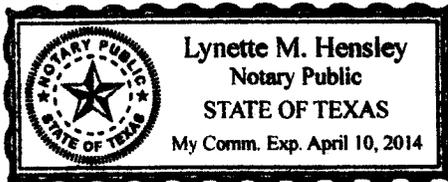
Jera Sue Plasencia

Sworn to and subscribed before me this 24 day of August, 2010.

SEAL

Lynette M. Hensley

Notary Public in and for the State of Texas

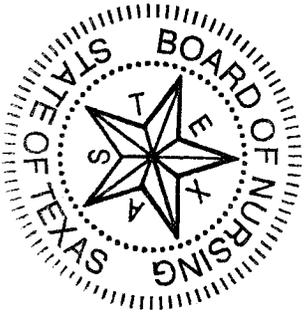


WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of August, 2010, by JERA SUE FOX, Vocational Nurse License Number 200864, and said Order is final.

Effective this 14th day of December, 2010.



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



BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Vocational Nurse           §  
License Number 200864                       §     AGREED  
issued to JERA SUE FOX                     §     ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JERA SUE FOX, Vocational Nurse License Number 200864, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 11, 2007, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Lamar University-Port Arthur, Port Arthur, Texas, on August 12, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on October 11, 2005.
5. Respondent's vocational nursing employment history includes:

10/05-9/06	LVN	Memorial Hermann Baptist Hospital Beaumont, Texas
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Respondent's vocational nursing employment history continued:

10/06-Present

Unknown

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Memorial Hermann Baptist Hospital, Beaumont, Texas, and had been in this position for approximately one (1) month.
7. On or about November 30, 2005, through December 27, 2005, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent withdrew Hydrocodone, Zolpidem Tartrate, Morphine Sulfate, and Meperidine from the medication dispensing system for patients, but failed to completely and accurately document the administration of the medications, in the patients' Medication Administration Records (MARs), Nurses Notes, or both as follows:

Date/Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
11/30/05@1703	404609	(2) Hydrocodone/Norco APAP 5mg Tabs	(2) Norco 5/325mg tabs Q6hrs PRN	1600	1600	NO
11/30/05@2009	404609	(2) Hydrocodone/Norco APAP 5mg Tabs	(2) Norco 5/325mg tabs Q6hrs PRN	NO	NO	NO
11/30/05@2235	403301	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/2/05@2309	405778	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/10/05@1519	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	1515	1515 states flushed 1mg	NO
12/10/05@1647	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	1730	NO	NO
12/10/05@1758	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	NO	NO	NO
12/16/05@2013	408902	(1) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/16/05@2043	408902	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/24/05@1115	410665	(1) Meperidine 50mg/1mL Amp Demerol	Demerol 50mg/mL Q 4hrs PRN	NO	NO	NO
12/24/05@1908	410665	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/24/05@1909	411190	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/25/05@2216	412233	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/26/05@1816	411190	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	2200	NO

12/27/05@1805	412705	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/27/05@2107	412705	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	2200	NO	NO

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to provide further care.

8. On or about November 30, 2005, through December 27, 2005, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas Respondent withdrew Hydrocodone, Zolpidem Tartrate, Morphine Sulfate, and Meperidine from the medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
9. On or about November 30, 2005, through December 27, 2005, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas Respondent misappropriated Hydrocodone, Zolpidem Tartrate, Morphine Sulfate, and Meperidine belonging to 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.
10. On or about November 30, 2005, through December 27, 2005, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas Respondent withdrew and/or administered medications to patients in excess frequency and/or dosage of the physician's order as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
11/30/05@ 1703	404609	(2) Hydrocodone/Norco APAP 5mg Tabs	(2) Norco 5/325mg tabs Q6hrs PRN	1600	1600	NO
11/30/05@2009	404609	(2) Hydrocodone/Norco APAP 5mg Tabs	(2) Norco 5/325mg tabs Q6hrs PRN	NO	NO	NO
11/30/05@2132	403301	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	2200	2200	NO
11/30/05@2235	403301	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/2/05@2033	405778	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	2130	2130	NO
12/2/05@2309	405778	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/10/05@1519	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	1515	1515 states flushed 1mg	NO
12/10/05@1647	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	1730	NO	NO

12/10/05@1758	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	NO	NO	NO
12/16/05@2013	408902	(1) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/16/05@2043	408902	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/16/05@2053	408902	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	2130	2130	NO
12/24/05@1115	410665	(1) Meperidine 50mg/1mL Amp Demerol	Demerol 50mg/mL Q 4hrs PRN	NO	NO	NO
12/24/05@1129	410665	(1) Meperidine 50mg/1mL Amp Demerol	Demerol 50mg/mL Q 4hrs PRN	1130	1130	NO
12/25/05@2123	412233	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	2200	2200	NO
12/25/05@2216	412233	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/27/05@1805	412705	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/27/05@2107	412705	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	2200	NO	NO

Respondent's conduct was likely to injure the patients in that the administration of Hydrocodone, Zolpidem Tartrate, Morphine Sulfate, and Meperidine in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions.

- On or about September 8, 2006, through September 10, 2006, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent withdrew Ambien from the medication dispensing system for patients, but failed to completely and accurately document the administration of the medication, in the patients' Medication Administration Records (MARs), Nurses Notes, or both as follows:

DATE/TIME	PATIENT	MEDICATION	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
9/8/06@19:18	489412	Ambien (2) 5mg tabs	Ambien 5mg PO Q HS PRN sleep	NO	NO	NO
9/8/06@19:19	489503	Ambien (2) 5mg tabs	Ambien 5mg PO Q HS PRN sleep	NO	NO	NO
9/8/06@21:29	488275	Ambien (3) 5mg tabs	Ambien 5mg PO Q HS PRN sleep	NO	NO	NO
9/9/06@18:55	488275	Ambien (3) 5mg tabs	Ambien 5mg PO Q HS PRN sleep	NO	NO	NO
9/10/06@11:31	488275	Ambien (3) 5mg tabs	Ambien 5mg PO Q HS PRN sleep	NO	NO	NO

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to provide further care.

12. On or about September 8, 2006, through September 10, 2006, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent withdrew Ambien from the medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medication. 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).
13. On or about September 8, 2006, through September 10, 2006, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent misappropriated Ambien belonging to 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.
14. In response to the preceding Findings of Fact, Respondent states that she has made some mistakes in the past which she now regrets. Respondent states that as a result of these mistakes, she was referred to a Licensed Professional Counselor for assessment. Per the counselor's advice, Respondent states that she attended substance abuse education classes, AL-ANON meetings, and participated in one-on-one professional counseling. Respondent states that she has completed all of that was required of her by her employer and feels as though she has changed.
15. 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.
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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(C)&(D)(iv) and 217.12(1)(A),(4),(6)(G),(8),(10)(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 200864, heretofore issued to JERA SUE FOX, including revocation of Respondent's license to practice vocational 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):

RESPONDENT SHALL deliver the wallet-sized license issued to JERA SUE FOX, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(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, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to 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 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 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 nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

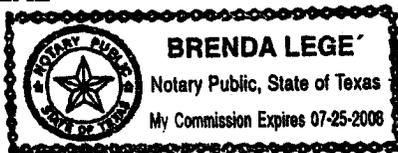
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6<sup>th</sup> day of November, 2007.

Jera Sue Fox  
JERA SUE FOX, Respondent

Sworn to and subscribed before me this 6<sup>th</sup> day of November, 2007.

SEAL



Brenda Lege  
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 6th day of November, 2007, by JERA SUE FOX, Vocational Nurse License Number 200864, and said Order is final.

Entered and effective this 9th day of November, 2007.



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