

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 697813 § AGREED
issued to LESLEE MCCOSLIN § ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of LESLEE MCCOSLIN, Registered Nurse License Number 697813, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12),&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 15, 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(s).
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 professional nursing in the State of Texas which is in delinquent status.
4. Respondent received an Associate Degree in Nursing from Alvin Community College, Alvin, Texas, on May 12, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 8, 2003.

5. Respondent's nursing employment history includes:

05/2003 - 03/07	Staff Nurse	St. Luke's Episcopal Hospital Houston, Texas
03/07 - 06/08	Staff Nurse	Town and Country Plastic Surgery Houston, Texas
07/08 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Town and Country Plastic Surgery, Houston, Texas, and had been in this position for one (1) year.
7. During March 1, 2008 through June 26, 2008, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent practiced professional nursing without a valid license. Respondent's license expired on February 29, 2008. Respondent's conduct was likely to deceive the employer and could have affected their decision to continue Respondent's employment.
8. On or about December 23, 2007, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent passed two (2) forged, unauthorized prescriptions for Xanax 1mg, thirty (30) tabs and Keflex 500mg thirty (30) tabs at Walgreens Pharmacy, Houston, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Xanax and Keflex through use of a forged, unauthorized 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 February 7, 2008, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent passed a forged, unauthorized prescription for Xanax 1mg, thirty (30) tabs, with one (1) refill at Walgreens Pharmacy, Houston, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Xanax through use of a forged, unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about February 7, 2008, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent passed a forged, unauthorized prescription for Phenergan 25mg eight (8) suppositories with three (3) refills, Norco 10/325 thirty (30) tabs with two (2) refills, and Duricef 500mg thirty-one (31) tabs at Walgreens Pharmacy, Houston, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Norco, Phenergan, and Duricef through use of a forged, unauthorized prescription is prohibited by Chapter 481 (Controlled Substances Act) and Chapter 483 (Dangerous Drug Act) of the Texas Health and Safety Code.

11. On or about March 20, 2008, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent passed two (2) forged, unauthorized prescriptions for Norco 10/325, thirty (30) tabs and Medrol Dosepak at Wal-Mart Pharmacy, Houston, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Norco and Medrol Dosepak through use of a forged, unauthorized prescription is prohibited by Chapter 481 (Controlled Substances Act) and Chapter 483 (Dangerous Drug Act) of the Texas Health and Safety Code.
12. On or about May 16, 2008, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent passed a forged, unauthorized prescription for Xanax 1mg, thirty (30) tabs at CVS Pharmacy, Houston, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Xanax through use of a forged, unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
13. On or about June 12, 2008, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent was assigned to remain with Patient EZ throughout the night and failed to ensure that the patient ambulated, and performed deep breathing and coughing after her surgery, which resulted in the patient developing a fever of 103.4 and Atelectasis. Respondent's conduct exposed the patient unnecessarily to a risk of harm from clinical complications and a delay of treatment of her disease process.
14. During June 12, 2008, through June 26, 2008, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent misappropriated medications including Norco, Soma, Demerol, Fentanyl IV, Xanax, Darvocet N100, and Mepergan, belonging to the facility and/or the patients. Respondent admitted to staff that she misappropriated the drugs for her own use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
15. On or about June 17, 2008, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent administered Hydrocodone to Patient SSW whose chart indicated that she was allergic to Codeine. Respondent's conduct exposed the patient unnecessarily to a risk of harm from experiencing allergic reactions including, rash, hives, itching, difficulty breathing, tightness in the chest, and swelling of the mouth, face, lips, or tongue.
16. On or about June 24, 2008, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent lacked fitness to practice professional nursing in that Respondent admitted to her supervisor that she was very depressed and frequently had suicidal ideation. In addition, Respondent expressed fear for her safety both mentally and physically, plus the welfare of her child. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

17. On or about June 26, 2008, while employed with Town and Country Plastic Surgery, Houston, Texas, Respondent passed an unauthorized telephonically communicated prescription for Tylenol #3, 30 tabs at Wal-Mart Pharmacy, Houston, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Tylenol #3 through use of a forged, unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
18. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10),(12),&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(C)&(M) and 217.12(1)(A),(B),(E),(4),(5),(6)(G),(10)(E)&(11)(B).
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 697813, heretofore issued to LESLEE MCCOSLIN, including revocation of Respondent's license(s) 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 Registered Nurse License Number 697813, previously issued to LESLEE MCCOSLIN, to practice profesional nursing in Texas is hereby SUSPENDED for a period of three (3) years with the suspension STAYED and Respondent is hereby placed on PROBATION for three (3) years with the following agreed terms of probation:

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.

(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, 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>

(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 entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 each present employer 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 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 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 professional 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 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 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(s) 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) month period. 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(s), 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(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

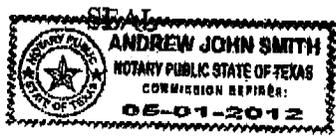
RESPONDENT'S CERTIFICATION

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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20th day of October, 2010.

Leslie McCoslin
LESLEE MCCOSLIN, Respondent

Sworn to and subscribed before me this 20th day of October, 2010.



Andrew Smith
Notary Public in and for the State of Texas

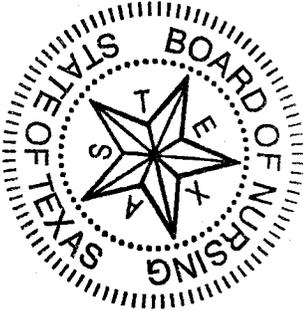
Approved as to form and ~~substance~~.

Elizabeth L. Higginbotham
Elizabeth L. Higginbotham, Attorney for Respondent

Signed this 21st day of October, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of October, 2010, by LESLEE MCCOSLIN, Registered Nurse License Number 697813, and said Order is final.

Effective this 14th day of December, 2010.



A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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