BEFORE THE TEXAS BOARD OF NURSING

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TEXAS BOARD OF NURSING

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.

Executive Director of the Board

In the Matter of Registered Nurse	§
License Number 742592	§
issued to AMANDA KAYE MARSHALL	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 742592, issued to AMANDA KAYE MARSHALL, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing. The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

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

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received from the University of Texas Health Science Center-San Antonio, San Antonio, Texas on May 19, 2007. Respondent was licensed to practice professional nursing in the State of Texas on June 19, 2007.

4. Respondent's professional nursing employment history includes:

06/2007 - 04/2009	RN	Audie Murphy VA Hospital San Antonio, Texas
2009	RN	Nurse Finders San Antonio, Texas
04/2009 - 06/2009	RN	Peterson Regional Medical Center Kerrville, Texas

Respondent's nursing employment history continued:

2009 - 2010	RN	Methodist Hospital San Antonio, Texas
2010	RN	US Renal Care Boerne, Texas
06/2010 - Present	Not employed in nursing.	

5. On or about May 12, 2010, Respondent was issued an Agreed Order by the Texas Board of Nursing. A copy of the Finding of Fact, Conclusions of Law and Order dated May 12, 2010 is attached and incorporated herein by reference as part of this Order.

6. On January 7, 2011, the Board provided notice to Respondent for the following allegations:

   a. On or about November 29, 2010, Respondent engaged in the intemperate use of Alcohol, in that she produced a specimen for a drug screen, requested by the Texas Peer Assistance Program for Nurses (TPAPN), which resulted positive for EtG/EtS. Respondent admitted to drinking wine, and stated she "was tired of fighting it". Additionally, she missed four drug tests, failed to call in to verify if she was selected to test, and on October 21, 2010, produced a specimen for a drug screen that was dilute.

   b. On or about November 29, 2010, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on May 12, 2010. Non-compliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract. Stipulation number three (3) of the Order dated May 12, 2010, states:

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

   Respondent was dismissed from the TPAPN program on December 13, 2010.

7. On January 19, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated January 19, 2011, is attached and incorporated herein by reference as part of this Order.

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

9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Section 301.452(b)(9),(10)(&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(5),(9),(10)(A)& (11)(B).

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

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

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 742592, heretofore issued to AMANDA KAYE MARSHALL, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

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

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

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

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Effective this 21st day of January, 2011.

TEXAS BOARD OF NURSING

By: Katherine A. Thomas

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

AMANDA KAYE MARSHALL
PO BOX 1245
COMFORT, TEXAS 78013
Texas RN License #742592

Voluntary Surrender Statement

January 18, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature _____

Date 1-19-11

Texas Nursing License Number/s 742592

The State of Texas

Before me, the undersigned authority, on this date personally appeared AMANDA KAYE MARSHALL who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 19 day of January, 2011.

SEAL

Melissa T. Sanchez
Notary Public in and for the State of Texas

MELISSA T. SANCHEZ
Notary Public
STATE OF TEXAS
My Comm. Exp. 10-18-2011