

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 625029
ISSUED TO
OLIVIA FERN MOORE

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia A. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Olivia Fern Moore
312 East Fordyce
Kingsville, Texas 78363

During open meeting held in Austin, Texas, on November 9, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

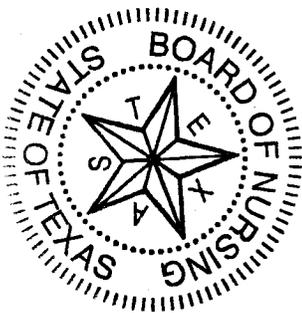
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 625029, previously issued to OLIVIA FERN MOORE, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 625029, previously issued to OLIVIA FERN MOORE, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER 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.

Entered this 9th day of November, 2010.



TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

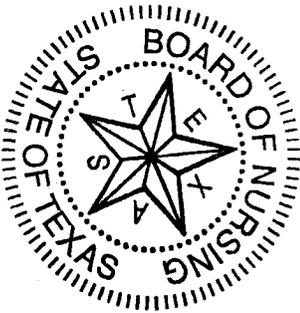
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 625029
Issued to OLIVIA FERN MOORE
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Olivia Fern Moore
312 East Fordyce
Kingsville, Texas 78363



BY:

Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 625029, Issued to §
OLIVIA FERN MOORE, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, OLIVIA FERN MOORE, is a Registered Nurse holding license number 625029, which is in Delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about August 20, 2010, Respondent was convicted of three (3) counts of FRAUD POSSESSION OF A CONTROLLED SUBSTANCE/PRESCRIPTION SCHEDULE III/IV (a Third Degree Felony offense), under Case No. 09-CR-3853-H, in the 347th District Court, Nueces County, Texas. As a result of the conviction, Respondent was sentenced on each charge to ten (10) years confinement in the Institutional Division of the Texas Department of Criminal Justice (TDCJ), to run concurrently, and ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of and 22 TEX. ADMIN. CODE §217.12(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of ~~up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53.~~ Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

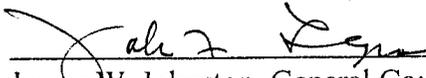
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discep-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated July 31, 2001.

Filed this 26th day of August, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated July 31, 2001.

0999/D

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 625029 § AGREED
issued to OLIVIA FERN MOORE § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of OLIVIA FERN MOORE, License Number 625029, 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 June 8, 2001, 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 a Diploma in Nursing from Misericordia Hospital School of Nursing, Edmonton, Alberta, Canada, in 1975. Respondent was licensed to practice professional nursing in the State of Texas on January 23, 1996.
5. Respondent's professional employment history includes:

1975 - 1980	Staff Nurse	Cross Cancer Institute Edmonton, Alberta, Canada
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Respondent's professional employment history continued:

1980 - 1981	Staff Nurse	Misericordia Hospital Edmonton, Alberta, Canada
1982 - 1994	Not employed in Nursing	
1995	Staff Nurse	Edson Health Care Center Edson, Alberta, Canada
February 1996 - May 1996	Staff Nurse	Spohn Kleberg Hospital Kingsville, Texas
June 1996 - February 1997	Staff Nurse	Spohn Brooks Clinic Falfurrias, Texas
March 1997 - November 1997	Staff Nurse	Spohn Kleberg Hospital Kingsville, Texas
December 1997 - February 1998	Not employed in Nursing	
March 1998 - February 2000	Staff Nurse	Charter Behavioral Hospital Corpus Christi, Texas
March 2000 - June 2000	Staff Nurse	Christus Spohn Hospital Shoreline Corpus Christi, Texas
August 2000 - October 2000	Staff Nurse	Corpus Christi Medical Center Corpus Christi, Texas
November 2000	Staff Nurse	Canterbury Villa Kingsville, Texas
November 2000	Staff Nurse	Kingsville Nursing and Rehabilitation Center Kingsville, Texas
December 2000 - January 2001	Staff Nurse	IHS Hospital Corpus Christi, Texas

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Respondent's professional employment history continued:

**February 2001 - May 2001 Staff Nurse Padre Behavioral Health
System, Inc.
Corpus Christi, Texas**

6. **At the time of the incident described in findings of fact number seven (7) through ten (10), Respondent was employed as a staff nurse with Christus Spohn Hospital Shoreline, Corpus Christi, Texas, and had been in this position for four (4) months.**
7. **Respondent, on or about June 8, 2000, while employed with Christus Spohn Hospital Shoreline, Corpus Christi, Texas, misappropriated Demerol from the facility. Respondent's conduct was likely to defraud the facility of the cost of the medication.**
8. **Respondent, on or about June 13, 2000, while employed with Christus Spohn Hospital Shoreline, Corpus Christi, Texas, signed out Demerol on the controlled substance record for patient account numbers SH294757, SH294481, and SH295715 but failed to document the administration of the Demerol on the Medication Administration Record (MAR) and 24 hour patient notes. Respondent's conduct was likely to injure patients in that subsequent caregivers would rely on her documentation to further medicate the patient which could result in an overdose.**
9. **Respondent, on or about June 13, 2000, while employed with Christus Spohn Hospital Shoreline, Corpus Christi, Texas, made false entries in the medical record of patient account number SH296410 documenting the administration of Demerol that was not administered. Respondent's conduct was likely to defraud the patient of the cost of the medication.**
10. **Respondent, on or about June 20, 2000, while employed with Christus Spohn Hospital Shoreline, Corpus Christi, Texas, signed out Demerol on the controlled substance record for patient account numbers SH296410 and SH297046 but failed to document the administration of the Demerol on the Medication Administration Record (MAR) and 24 hour patient notes. Respondent's conduct was likely to injure patients in that subsequent caregivers would rely on her documentation to further medicate the patient which could result in an overdose.**
11. **At the time of the incident described in findings of fact numbers twelve (12) and thirteen (13), Respondent was employed as a staff nurse with The Corpus Christi Medical Center, Corpus Christi, Texas, and had been in this position for one (1) month.**

12. Respondent, on or about September and October of 2000, while employed with The Corpus Christi Medical Center, Corpus Christi, Texas, withdrew Demerol from the pyxis system for numerous patients but failed to accurately and completely document the administration of the Demerol on the MAR and the 24 hour patient notes. Respondent's conduct was likely to injure patients in that subsequent caregivers would rely on her documentation to further medicate the patient which could result in an overdose.
13. Respondent, on or about September 23, 2000, while employed with The Corpus Christi Medical Center, Corpus Christi, Texas, withdrew Demerol from the pyxis system for patient account number D014751242 without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Demerol without a physician's order could result in the patient suffering respiratory depression.
14. Respondent, on or about December 5, 2000, submitted an application for employment to IHS Hospital at Corpus Christi, Corpus Christi, Texas, on which Respondent failed to list Christus Spohn Hospital Shoreline and The Corpus Christi Medical Center both of Corpus Christi Texas on the employment history. Respondent's conduct was likely to deceive IHS Hospital at Corpus Christi, which was deprived of Respondent's complete employment history.
15. At the time of the incident described in findings of fact numbers sixteen (16) through eighteen (18), Respondent was employed as a staff nurse with IHS Hospital at Corpus Christi, Corpus Christi, Texas, and had been in this position for one (1) month.
16. Respondent, on or about January 21, 2001, while employed with IHS Hospital at Corpus Christi, Corpus Christi, Texas, misappropriated Demerol from the facility. Respondent's conduct was likely to defraud the facility of the cost of the medication.
17. Respondent, on or about January 21, 2001, while employed with IHS Hospital at Corpus Christi, Corpus Christi, Texas, engaged in the intemperate use of Demerol as evidenced by a positive drug screen. Possession of Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of 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.
18. Respondent, on or about January 21, 2001, while employed with IHS Hospital at Corpus Christi, Corpus Christi, Texas, lacked fitness to practice professional nursing as evidenced by her being found in an unconscious state. Respondent's condition may have impaired her ability to make rational, accurate and appropriate assessments, judgments and decisions regarding patient care, thereby placing the patients in potential danger.

19. At the time of the incident described in findings of fact number twenty (20) and twenty one (21), Respondent was employed as a staff nurse with Padre Behavioral Health System, Inc., Corpus Christi, Texas, and had been in this position for three (3) months.
20. Respondent, on or about May of 2001, while employed with Padre Behavioral Health System, Inc., Corpus Christi, Texas, misappropriated Demerol and Lortab from the facility. Respondent's conduct was likely to defraud the facility of the cost of the medication.
21. Respondent, on or about May of 2001, while employed with Padre Behavioral Health System, Inc., Corpus Christi, Texas, engaged in the intemperate use of Demerol, Lortab and Marijuana. Possession of Demerol, Lortab and Marijuana is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol, Lortab and 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.
22. 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.
23. 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.
24. Respondent's conduct described in Findings Number seven (7) through ten (10), twelve (12) through fourteen (14), sixteen (16) through eighteen (18), twenty (20), and twenty-one (21) resulted from Respondent's impairment by dependency on chemicals.
25. 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 violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(12),(19),(20)&(22).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 625029, heretofore issued to OLIVIA FERN MOORE, 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 19 day of July, 2006.

Olivia Fern Moore
OLIVIA FERN MOORE, Respondent

Sworn to and subscribed before me this 19 day of July, 2006.

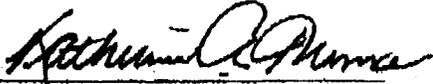
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[Signature]
Notary Public in and for the State of Texas



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 19th day of JULY, 2001, by OLIVIA FERN MOORE, License Number 625029, and said Order is final.

Entered and effective this 31st day of JULY, 2001.



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

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