IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBERS 726733 AND 190688	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
AMBER MICHELLE DIXON	§	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

ORDER OF THE BOARD

TO: Amber Michelle Dixon
6721 Ridge Estates CT
Arlington, Texas 76001

During open meeting held in Austin, Texas, on November 9, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, 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 and vocational 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 § 213.16(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 Numbers 726733 and 190688, previously issued to AMBER MICHELLE DIXON, to practice professional and vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 9th day of November, 2010.

TEXAS BOARD OF NURSING

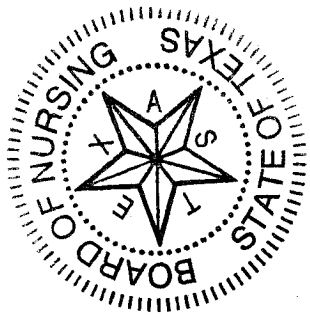
BY: _____

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

CERTIFICATE OF SERVICE

I hereby certify that on the 12th 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):

Amber Michelle Dixon
6721 Ridge Estates CT
Arlington, Texas 76001



BY: Katherine A. Thomas

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

In the Matter of Permanent License Numbers 726733 and 190688 , Issued to AMBER MICHELLE DIXON, Respondent	**§ § §**	**BEFORE THE TEXAS BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, AMBER MICHELLE DIXON, is a Registered Nurse holding license number 726733, which is in current status at the time of this pleading and a Vocational Nurse holding license number 190688 which is in current 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 June 1, 2010, while holding licenses as a Registered and Vocational Nurse in the State of Texas, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on March 3, 2010. Non-compliance is the result of Respondent's failure to submit registration for drug testing and failure to submit appropriate documentation for treatment, as required for nurse admission into the Texas Peer Assistance Program for Nurses (TPAPN). Stipulation number three (3) of the Agreed Order dated March 3, 2010, states:

> "(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her licenses to practice nursing in the State of Texas current. "

A copy of said Agreed Order is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(9).

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. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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 Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder 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/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated March 3, 2010.

Filed this 26th day of July, 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
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Nikki Hopkins, Assistant General Counsel
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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 March 3, 2010.

0999/D

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 726733 and Vocational	§	
Nurse License Number 190688	§	
issued to AMBER MICHELLE DIXON	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AMBER MICHELLE DIXON, Registered Nurse License Number 726733 and Vocational Nurse License Number 190688, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on February 18, 2010, 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 proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Trinity Valley Community College, Palestine, Texas on August 22, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on October 1, 2003. Respondent received an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas on October 5, 2005. Respondent was licensed to practice professional nursing in the State of Texas on April 18, 2006.

5. Respondent's nursing employment history includes:

09/2003 - 05/2004	Staff GVN/LVN	Dermatology Associates of Tyler Tyler, Texas.
05/2004 - 04/2006	Med/Surg. Charge RN	Trinity Mother Frances Hospital Tyler, Texas.
04/2006 - 02/2009	RN Research	Dermatology Associates of Tyler Tyler, Texas.
02/2009 - 07/2009	Staff RN	Nurse Finders
07/2009 - 10/2009	RN Charge Nurse	Frankston Healthcare Center Frankston, Texas.
10/2009 - 12/2009	Staff RN	Balm in Gilead Home Health Tyler, Texas.
12/2009 - Present	Unknown	

6. At the time of the initial incidents in Findings of Fact Numbers Seven (7), Eight (8), Nine (9) and Ten (10), Respondent was employed as a Registered Nurse Research Coordinator with Dermatology Associates Of Tyler, Tyler, Texas, and had been in this position for two (2) years and ten (10) months.

7. On or about December 23, 2008, while employed as a Registered Nurse with Dermatology Associates Of Tyler, Tyler, Texas, Respondent lacked fitness to practice professional nursing, in that she was were observed in the break room at lunch with heavy eyes, looking sleepy and in a trance-like state, with slow body movements. Respondent's words were slurred and she was mumbling, and not making sense. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

8. On or about December 23, 2008, while employed as a Registered Nurse with Dermatology Associates Of Tyler, Tyler, Texas, Respondent engaged in the intemperate use of Benzodiazepines and Propoxyphene, in that she produced a urine drug screen which resulted positive for Benzodiazepines and Propoxyphene. The use of Benzodiazepines and Propoxyphene 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.

9. On or about February 6, 2009, while employed as a Registered Nurse with Dermatology Associates Of Tyler, Tyler, Texas, Respondent lacked fitness to practice professional nursing, in that she was observed with heavy eyes, looking sleepy and in a trance-like state, with slow body movements and appeared to be both cognitively and physically impaired. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

10. On or about February 6, 2009, while employed as a Registered Nurse with Dermatology Associates Of Tyler, Tyler, Texas, Respondent engaged in the intemperate use of Benzodiazepines, in that Respondent produced a urine drug screen which resulted positive for Benzodiazepines. The use of Benzodiazepines 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.

11. 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.

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.

13. Respondent states that all allegations are true and she presently attends Narcotics Anonymous group sessions and will continue indefinitely and is under treatment. Respondent requests to be referred to TPAPN.

14. Respondent's conduct described in Findings of Fact Numbers Seven (7), Eight (8), Nine (9) and Ten (10), resulted from Respondent's impairment by dependency on chemicals.

15. 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)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(5),(10)(A)&(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 726733 and Vocational Nurse License Number 190688, heretofore issued to AMBER MICHELLE DIXON, including revocation of Respondent's license to practice vocational and professional 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her licenses to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing

of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 Texas Board of Nursing 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's licenses 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 Texas Board of Nursing, 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1 day of March, 2010.

Amber Michelle Dixon

AMBER MICHELLE DIXON, Respondent

Sworn to and subscribed before me this 1st day of March, 2010.

SEAL

Terry S. Fox

Notary Public in and for the State of Texas

TERRY S. FOX
Notary Public, State of Texas
My Commission Expires
April 23, 2012

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 1st day of March, 2010, by AMBER MICHELLE DIXON, Registered Nurse License Number 726733 and Vocational Nurse License Number 190688, and said Order is final.

Entered and effective this 3rd day of March, 2010.

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