

BEFORE 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 P. Roman
Executive Director of the Board

In the Matter of Registered Nurse § AGREED
License Number 535762 §
issued to CAROL ANN HAMILTON § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the B accepted the voluntary surrender of Registered Nurse License Number 535762, issued to CA ANN HAMILTON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in inactive status.
4. Respondent received an Associate Degree in Nursing from Marshalltown Community College, Marshalltown, Iowa, on July 1, 1986. Respondent was licensed to practice professional nursing in the State of Texas on October 14, 1986.
5. Respondent's complete professional nursing employment history is unknown.
6. At the time of the initial incident in Finding of Fact Number Seven (7) Respondent was employed as a Registered Nurse with Infectious Diseases Associates, LLP, Beaumont, Texas, and had been in this position for approximately fifteen (15) years and five (5) months.

7. On or about November 2007, through June 2009, while employed as a Registered Nurse with Infectious Diseases Associates, LLP, Beaumont, Texas, Respondent obtained Hydrocodone, Darvocet, Prempro, Acyclovir, and Doxycycline from pharmacies under her own name, through the use of fraudulent/unauthorized prescriptions, using the name and Drug Enforcement Agency (DEA) numbers assigned to Dr. Keshava Reddy and Dr. Orlando Schaening. Additionally Respondent falsified physician signatures on unauthorized prescriptions. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone, Darvocet, Prempro, Acyclovir, and Doxycycline through the use of forged, falsified, unauthorized, fraudulent written prescriptions is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
8. On or about November 2007, through June 2009, while employed as a Registered Nurse with Infectious Diseases Associates, LLP, Beaumont, Texas, Respondent created multiple false invoices for medications and opened an account under a medication provider's name, where she deposited the checks for medication, allowed them to clear, and withdrew the money for her own use, which was in the aggregate value of at least two hundred thousand (\$200,000) dollars. Respondent's conduct was likely to defraud the company.
9. On or about August 25, 2010, Respondent entered a plea of "Guilty" to THEFT (a First Degree Felony Offense committed on March 2, 2005, and continuing through June 9, 2009) in the Criminal District Court of Jefferson County, Texas, Under Case No. 09-07464. As a result of the plea, Respondent was ordered to confinement in the Institutional Division for a term of three (3) years. Additionally, Respondent was ordered to pay court costs.
10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
11. 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 53.021(b) and 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12 (1)(A)&(B),(4),(6)(A)&(H),(10)(B)&(E),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 535762, heretofore issued to CAROL ANN HAMILTON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 535762, heretofore issued to CAROL ANN HAMILTON, to practice nursing in the State of Texas, is accepted by 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 "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.
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 nursing in the State of Texas.

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CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 1st day of October, 2010.

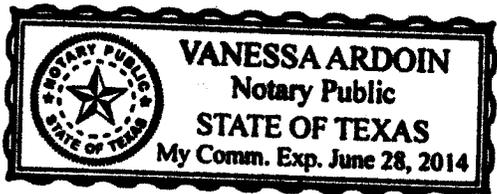
Carol Ann Hamilton
CAROL ANN HAMILTON, Respondent

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

Vanessa Ardoin

Notary Public in and for the State of Texas

SEAL



Approved as to form and substance.

DANIEL C. CLAYTON, Attorney for Respondent

Signed this ___ day of _____, 20__

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 535762, previously issued to CAROL ANN HAMILTON.

Effective this 13th day of October, 2010.



Katherine A. Thomas

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

LAW OFFICE OF
Daniel D. Clayton, P.C.
A PROFESSIONAL CORPORATION

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October 8, 2010

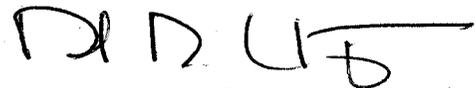
Texas Board of Nursing
333 Guadalupe Street, Ste. 3-460
Austin, TX 78701

Re: Carol Ann Hamilton

Gentlemen:

Please find enclosed agreed order executed by Carol Hamilton as requested. Please attach this letter as approval of form only by myself.

Yours very truly,



Daniel D. Clayton

DDC/gas
enc.
cc: Carol Hamilton
4228