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 548763	§
issued to MARIA ESTHER WARD	§

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 548763, issued to MARIA ESTHER WARD, 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 a Diploma in Nursing from Amarillo College, Amarillo, Texas, on May 10, 1988. Respondent was licensed to practice professional nursing in the State of Texas on September 1, 1988.

4. Respondent's professional nursing employment history includes:

09/1988 - 1999	RN	Baptist St. Anthony Amarillo, Texas
2000 - 2004	RN	Plum Creek Health Care Center Amarillo, Texas

Respondent's professional nursing employment history continued:

2004 - 2006	RN	Knapp Medical Center Weslaco, Texas
01/2005 - 12/2005	RN	Achievers Professional Staffing McAllen, Texas
09/2005 - 07/2006	RN	Weslaco Rehab Weslaco, Texas
01/2006 - 08/2006	Employment history unknown.	
08/2006 - 01/2007	RN	Las Cruces Medical Center Las Cruces, New Mexico
02/2007 - 08/2007	RN	
08/2007 - 08/2008	RN	Garcy Woods Austin, Texas
09/2008 - 02/2009	RN	Knapp Medical Center Weslaco, Texas
02/2009 - Present	Employment history unknown.	

5. On October 4, 2000, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and October 4, 2009, Agreed Order is attached and incorporated, by reference, as part of this Order.

6. On September 9, 2009, the Board provided notice to Respondent for the following allegations:

   a. On or about December 1, 2008 through December 26, 2008, while employed as a Registered Nurse with Knapp Medical Center, Weslaco, Texas, Respondent withdrew Morphine from the Medication Dispensing System (Pyxis) for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or nurse's notes.

   b. On or about December 1, 2008 through December 26, 2008, while employed as a Registered Nurse with Knapp Medical Center, Weslaco, Texas, Respondent withdrew Morphine from the Medication Dispensing System (Pyxis) for patients, but failed to follow the facility's policy and procedure for the wastage of the unused portions of the medications.

c. On or about December 1, 2008 through December 26, 2008, while employed as a Registered Nurse with Knapp Medical Center, Weslaco, Texas, Respondent misappropriated Morphine belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation.

d. On or about February 2, 2009 through February 27, 2009, while employed as a Registered Nurse with Knapp Medical Center, Weslaco, Texas, Respondent withdrew Dilaudid and Morphine from the Medication Dispensing System (Pyxis) for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or nurse's notes.

e. On or about February 2, 2009 through February 27, 2009, while employed as a Registered Nurse with Knapp Medical Center, Weslaco, Texas, Respondent withdrew Dilaudid and Morphine from the Medication Dispensing System (Pyxis) for patients, but failed to follow the facility's policy and procedure for the wastage of the unused portions of the medications.

f. On or about February 2, 2009 through February 27, 2009, while employed as a Registered Nurse with Knapp Medical Center, Weslaco, Texas, Respondent misappropriated Dilaudid and Morphine belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Additionally, Respondent admitted that she had been diverting Dilaudid.

g. On or about July 9, 2009, Respondent engaged in the intemperate use of Hydrocodone, in that she produced a specimen for a drug screen as requested by the Texas Peer Assistance Program for Nurses (TPAPN) that resulted positive for Hydrocodone.

7. On October 5, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of Respondent's notarized statement, dated September 30, 2010, 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 the intemperate use of controlled substances.

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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D) and 217.12(1)(A)&(E),(4),(5),(6)(G),(8),(10)(A),(C),(E)&(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.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 548763, heretofore issued to MARIA ESTHER WARD, 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 8th day of October, 2010.

TEXAS BOARD OF NURSING

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

Maria Esther Ward
Po Box 754
Progresso, Texas 78579
Texas Registered Nurse License #548763

Voluntary Surrender Statement

August 25, 2010

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 Maria Esther Ward

Date 9-30-10

Texas Nursing License Number/s 548763

The State of Texas

Before me, the undersigned authority, on this date personally appeared MARIA ESTHER WARD 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 30th day of Sept., 2010.

SEAL

Lois E. Wahl

Notary Public in and for the State of Texas

LOIS E. WAHL
Notary Public
State of Texas
Comm. Exp. 03-23-2011

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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In the Matter of License Number 548763	§	AGREED
issued to MARIA ESTHER WARD	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MARIA ESTHER WARD, License Number 548763, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10), and (12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 16, 2000, 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 an Associate Degree in Nursing from Amarillo, College, Amarillo, Texas, in May 1988. Respondent was licensed to practice professional nursing in the State of Texas in September 1988.

5. Respondent's professional employment history is unknown.

6. At the time of the incidents, Respondent was employed as a staff nurse with Baptist St. Anthony's Health System, Amarillo, Texas, and had been in this position for twelve (12) years and four (4) months.

7. On or about October 27, 1999, while employed with Baptist St. Anthony's Health System, Amarillo, Texas, Respondent engaged in the intemperate use of Meperidine, in that Respondent produced a specimen for analysis which tested positive for Meperidine. Possession of Meperidine is prohibited by Chapter 481 of the Texas Health and Safety Code (Texas Controlled Substances Act). The use of Meperidine 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.

8. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

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.

10. Respondent's conduct described in Finding Number Seven (7) resulted from Respondent's impairment by dependency on chemicals.

11. 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), and (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 548763, heretofore issued to MARIA ESTHER WARD, 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, 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 to practice professional nursing in the State of Texas.

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 28 day of September, 2000.

Maria Esther Ward

MARIA ESTHER WARD, Respondent

Sworn to and subscribed before me this 28 day of September, 2000.

SEAL

Marilyn J. Riecken

Notary Public in and for the State of Texas

MARILYN J. RIECKEN
MY COMMISSION EXPIRES
August 06, 2004

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 28th day of September, 20 00, by MARIA ESTHER WARD, License Number 548763, and said Order is final.

Entered and effective this 4th day of October, 20 00.

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

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

Mailing Address:
POST OFFICE BOX 430
AUSTIN, TEXAS 78767-0430

WEB SITE: www.bne.state.tx.us
333 GUADALUPE, SUITE 3-460
AUSTIN, TEXAS 78701 • 512/305-7400 • Fax: 512/305-7401

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR

July 28, 2000

Everist Ware
3001 Hillcroft #506
Houston TX 77057

Dear Ms. Ware:

This office is in receipt of your final Nursing Performance Evaluation. You are no longer required to submit reports to this office. Our file reflects that all requirements of the Order of the Board entered on March 9, 1999, have been met.

Please return your current wallet-sized license along with a copy of this letter. We will then issue you a license without the stipulated designation.

Your address of record is still reflecting the Greenway Dr. address. Please submit a written change of address to this office so that your record will reflect your correct address.

If you have any questions, please contact me at (512) 305-6834.

Sincerely,

Korena Schaaf
Investigator
Monitoring

0994/160

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