BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 638241	§	
issued to POLLY ANNA SAMS-RYAN	§	ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of POLLY ANNA SAMS-RYAN, Registered Nurse License Number 638 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 19, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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(s).

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 nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Muskegon Community College, Muskegon, Michigan, on May 1, 1993. Respondent was licensed to practice professional nursing in the State of Texas on February 24, 1997.

5. Respondent's complete professional nursing employment history includes:

05/1993-1994	RN	Newaygo Medical Care Facility Fremont, Michigan

Respondent's complete professional nursing employment history includes (continued):

1994-2000	RN	Spectrum Health Reed City Campus Evart, Michigan
2000-2001	RN	Fort Duncan Hospital Eagle Pass, Texas
2001-2002	RN	Hackley Hospital Muskegon, Michigan
2002-2007	RN	Gerber Memorial Health Services Freemont, Michigan
2008-05/08	Unknown	
06/08-03/09	RN	Northeast Methodist Hospital Live Oak, Texas
03/09-Present	RN	Honorcare Home Care San Antonio, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Northeast Methodist Hospital, Live Oak, Texas, and had been in this position for approximately one (1) year and four (4) months.

7. On or about February 15, 2009, through February 20, 2009, 2009, while employed as a Registered Nurse with Northeast Methodist Hospital, Live Oak, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System for patients without valid physicians' orders, as follows:

Patient	Date	Time Pulled	Medication	Time on MAR	Documentation on Nurses Notes	Waste	Order
V455027067	02/15/09	1646	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None
V455035090	02/20/09	0632	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None
V455035139	02/20/09	0728	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None
V455035230	02/20/09	0856	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None

Respondent's conduct was likely to injure the patients, in that the administration of Dilaudid without a valid physicians' order could result in the patients experiencing adverse reactions.

8. On or about February 15, 2009, through February 20, , 2009, while employed as a Registered Nurse with Northeast Methodist Hospital, Live Oak, Texas, Respondent withdrew Dilaudid and Ativan from the Medication Dispensing System for patients, but failed to document, or accurately document the administration, including signs, symptoms or responses to the medications in the patients' Medication Administration Records and/or nurse's notes, as follows:

Patient	Date	Time Pulled	Medication	Time on MAR	Documentation on Nurses Notes	Waste	Order
V455027067	02/15/09	1646	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None
V455035090	02/20/09	0632	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None
V455035139	02/20/09	0728	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None
V455035230	02/20/09	0856	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None
V455035230	02/20/09	0907	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	Dilaudid 2mg IVP
V455035139	02/20/09	1108	Lorazepam 2mg 1ml Syringe (1)	None	None	None	Ativan 2mg/ml Vial Once

Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

9. On or about February 15, 2009, through February 20, 2009, while employed as a Registered Nurse with Northeast Methodist Hospital, Live Oak, Texas, Respondent withdrew Dilaudid and Ativan from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications, as follows:

Patient	Date	Time Pulled	Medication	Time on MAR	Documentation on Nurses Notes	Waste	Order
V455027067	02/15/09	1545	Hydromorphone Hcl 4mg 1ml Amp (1)	1545	None	None	Dilaudid 2mg IV
V455027067	02/15/09	1646	Hydromorphone Hcl 4mg 1ml	None	None	None	None

			Amp (1)				
V455035090	02/20/09	0632	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None
V455035139	02/20/09	0728	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None
V455035230	02/20/09	0856	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	None
V455035230	02/20/09	0907	Hydromorphone Hcl 4mg 1ml Amp (1)	None	None	None	Dilaudid 2mg IVP
V455035139	02/20/09	1108	Lorazepam 2mg 1ml Syringe (1)	None	None	None	Ativan 2mg/ml Vial Once

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

10. On or about February 20, 2009, while employed as a Registered Nurse with Northeast Methodist Hospital, Live Oak, Texas, Respondent falsely documented she had administered Morphine Sulfate to a patient when in fact she had not, as follows:

Patient	Date	Time Pulled	Medication	Time on MAR	Documentation on Nurses Notes	Waste	Order
V455035230	02/20/09	None	None	0914	None	None	Morphine Sulfate 4mg IV Q 15min up to 20mg

Respondent's conduct was likely to injure the patient in that documenting a patient received medication when they did not could result in nonefficacious treatment.

11. On or about February 15, 2009, through February 20, 2009, while employed as a Registered Nurse with Northeast Methodist Hospital, Live Oak, Texas, Respondent misappropriated Dilaudid and Ativan from the facility or patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

12. In response to Finding of Fact Numbers Seven (7) through Eleven (11), Respondent states she realizes she did make some mistakes in the passing of medication, and for that she apologizes she has always been a very conscientious nurse and she had not been passing medications in four (4) to five (5) years prior to this.

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 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(5),(6)(A),(G)&(H),(10)(B)&(C) and(11)(B).

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 638241, heretofore issued to POLLY ANNA SAMS-RYAN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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 that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully

complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic

portion of this course. The clinical component SHALL focus on tasks of medication administration only. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://www.learningext.com/products/generalce/critical/ctabout.asp.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A

REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency.

RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE

conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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, 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17 day of September, 2010.

Polly A Sams

POLLY ANNA SAMS-RYAN, Respondent

Sworn to and subscribed before me this 17th day of September, 2010.

SEAL

ELISE SUTHERLAND
Notary Public
STATE OF TEXAS
My Comm. Exp. 01-14-13

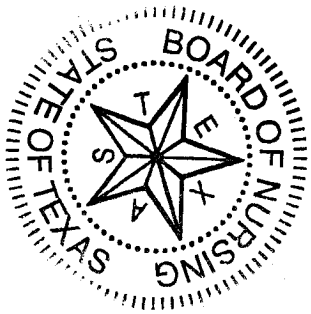
Elise Sutherland

Notary Public in and for the State of Texas

RECEIVED

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 17th day of September, 2010, by POLLY ANNA SAMS-RYAN, Registered Nurse License Number 638241, and said Order is final.

Effective this 21st day of October, 2010.



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