



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §        AGREED  
License Number 644780                       §  
issued to ERIN E. OATES                   §        ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of ERIN E. OATES, Registered Nurse License Number 644780, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 10, 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(s).
2. Respondent waived 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 a Baccalaureate Degree in Nursing from Saint Mary's College, Notre Dame, Indiana, on May 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on August 14, 1997.
5. Respondent's complete professional nursing employment history includes:

09/97 - 12/06	RN	Children's Hospital of Austin Austin, Texas
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Respondent's complete professional nursing employment history continued:

01/03 - 10/07	RN	Austin Perinatal Associates Austin, Texas
10/07 - 02/08	RN	South Austin Hospital Austin, Texas
03/08	unknown employment	
04/08 - 03/09	RN	Strictly Pediatrics Austin, Texas
04/09 - 06/10	RN	Seton Family of Hospitals Austin, Texas
07/10 - present	unknown employment	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with Strictly Pediatrics, Austin, Texas, and had been in this position for ten (10) months.
7. On or about February 18, 2009, while employed as a Registered Nurse with Strictly Pediatrics Surgery Center, Austin, Texas, Respondent lacked fitness to practice professional nursing in that while on duty, she reportedly disappeared from her nursing assignment, had difficulty with communication, and her behavior was abnormal from her typical behavior. 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, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about May 31, 2010, while employed as a Registered Nurse with University Medical Center at Brackenridge, Austin, Texas, Respondent reportedly lacked fitness to practice professional nursing in that while on duty Respondent appeared tired, distracted, and depressed. 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, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.
9. On or about May 26, 2010 through June 1, 2010, while employed as a Registered Nurse with University Medical Center at Brackenridge, Austin, Texas, Respondent withdrew Fentanyl, Oxycodone, Dilaudid, and Demerol from the medication dispensing system for patients, but failed to document or accurately document the administration of the medication in the

medication administration record (MAR) and/or nurse's notes. Respondent's conduct above was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

10. On or about May 26, 2010 through June 1, 2010, while employed as a Registered Nurse with University Medical Center at Brackenridge, Austin, Texas, Respondent withdrew Fentanyl, Oxycodone, Dilaudid, and Demerol from the medication dispensing system for patients, but failed to follow the facility's policy and procedure for wastage of any of the unused portions of the medications. Respondent's conduct placed the hospital pharmacy in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).
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. In response to Finding of Fact Number Seven (7), Respondent states that at the time of the allegation, "due to the death of my father, an abusive marriage, and subsequent difficult divorce with on-going custody battles, I suffered from migraine headaches and depression. I have been under the care of a mental health provider since 2005. I received Topomax for my migraines; but ceased taking the medications due to its side-effects around the time of the allegation. I was screened for drugs and alcohol and tested negative for any substances. There was no patient harm as a result of these allegations." In response to Finding of Fact Number Eight (8), Respondent states "I was suffering from depression and insomnia. I have since obtained psychiatric treatment for my depression and am under the care and treatment of a psychiatrist. At the time of the incidents, I was screened for drugs and alcohol which resulted in negative results. There was no patient harm as a result of these allegations." In response to Findings of Fact Numbers Nine (9) through Ten (10), Respondent states, "I was the supervisor of the floor and obtained controlled substances for other nurse's patients, in many cases providing the medications to those nurses for administration and wastage. Although this is a common practice at the facility and a systems issue at the facility, I recognize this is not a best practice. No patient harm resulted from this conduct. I provided the Board with drug screen results from both hair and nails demonstrating no ingestion of any drugs."
13. Charges were filed on April 7, 2010.
14. Charges were mailed to Respondent on April 13, 2010.
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 violation of Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(D) and 217.12(1)(B),(4),(5),(C)&(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 644780, heretofore issued to ERIN E. OATES, including revocation of Respondent's license(s) 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 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 (\$500.00) 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 license(s) 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 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 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 license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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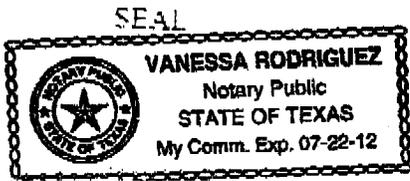
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5 day of October, 2010

Erin E. Oates  
ERIN F. QATES, Respondent

Sworn to and subscribed before me this 5th day of October, 2010.



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

Approved as to form and substance.

[Signature]  
JON PORTER, Attorney for Respondent

Signed this 7th day of October, 2010

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 5th day of October, 2010, by ERIN E. OATES, Registered Nurse License Number 644780, and said Order is final.



Entered and effective this 12<sup>th</sup> day of October, 2010.

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