BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 697179	§	AGREED
and Vocational Nurse License Number 179240	§	
issued to TIFFANY DAWN BENITEZ	§	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 Bc considered the matter of TIFFANY DAWN BENITEZ, Registered Nurse License Number 697 and Vocational Nurse License Number 179240, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(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 August 3, 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 licenses.

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. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from St. Philips College, San Antonio, Texas, on December 14, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on February 15, 2001. Respondent received an Associate Degree from San Antonio College, San Antonio, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 1, 2003.

5. Respondent's nursing employment history includes:

01/00 - 12/00	Staff Nurse/ LVN	Stone Oak Family Practice San Antonio, TX
08/00 - 02/01	Staff Nurse/ LVN	University Hospital San Antonio, TX
01/01 - 10/03	Staff Nurse	Forum at Lincoln Heights San Antonio, TX
08/03 - 10/05	Staff Nurse	Brooke Army Medical Center San Antonio, TX
10/04 - 05/05	Staff Nurse	St. Luke's Baptist Hospital San Antonio, TX
05/05 - 08/06	Assistant Director of Nursing	Allcare, Inc. San Antonio, TX
09/05 - 11/05	Agency Nurse	InteliStaf San Antonio, TX
06/05 - 02/06	Case Manager	Optimacare San Antonio, TX
02/06 - 08/06	Agency Nurse	Nix Home Care San Antonio, TX
06/06 - 11/07	Staff Nurse	Princeton Place Nursing Home San Antonio, TX
08/06 - 04/07	Charge Nurse/ Relief Supervisor	Kindred Hospital San Antonio, TX
04/08 - 06/08	Staff Nurse	Health South Riosa San Antonio, TX
05/08 - 08/08	Assistant Director of Nursing	Allcare, Inc. San Antonio, TX
07/08 - 09/08	Agency Nurse	Favorite Healthcare Staffing San Antonio, TX

10/08 - 07/10	RN	Akimeka, LLC San Antonio, TX
08/10 - Current	Unknown	

6. On June 12, 2007, Respondent was issued a Warning with Stipulations by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 12, 2007, is attached and incorporated, by reference, as part of this Order.

7. On or about April 2, 2009, Respondent was issued an Agreed Order by the Texas Board of Nursing, requiring Respondent to apply to, and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 2, 2009, is attached and incorporated, by reference, as part of this Order.

8. At the time of the initial incident, Respondent was employed as a Registered Nurse with Akimeka, LLC, San Antonio, Texas, and had been in this position for approximately one (1) year and three (3) months.

9. On or about January 14, 2010, while enrolled in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of Alcohol in that she submitted a specimen for a drug screen which resulted positive for Ethyl Glucuronide, Ethyl Sulfate, and EtG/EtS LC/MS/MS. The use of Alcohol by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, 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.

10. On or about March 11, 2010, while enrolled in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of Alcohol in that she submitted a specimen for a drug screen which resulted positive for Ethyl Glucuronide, Ethyl Sulfate, and EtG/EtS LC/MS/MS. The use of Alcohol by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, 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. On or about January 14, 2010, and March 11, 2010, Respondent failed to comply with the Agreed Order issued to her on April 2, 2009, by the Texas Board of Nursing. Respondent's non-compliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) in that she engaged in the intemperate use of Alcohol in that she submitted specimens for drug screens which resulted positive for Ethyl Glucuronide, Ethyl Sulfate, and EtG/EtS LC/MS/MS. Stipulation Number Three (3) of the Agreed Order dated April 2, 2009, reads, in pertinent part:

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term.

12. Respondent's last known date of sobriety is March 11, 2010, as indicated in Finding of Fact Number Ten (10).

13. Formal Charges were filed on May 17, 2010.

14. Formal Charges were mailed to Respondent on May 18, 2010.

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 a violationof Section 301.452(b)(1),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9),(10)(A)&(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 697179 and Vocational Nurse License Number 179240, heretofore issued to TIFFANY DAWN BENITEZ, including revocation of Respondent's licenses 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 Registered Nurse License Number 697179 and Vocational Nurse License Number 179240, previously issued to TIFFANY DAWN BENITEZ, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 697179 and 179240 previously issued to TIFFANY DAWN BENITEZ, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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 licenses are encumbered by this order the 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, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) 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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL pay a monitoring fee in the amount of five hundred ($500) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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.*

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 PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE

PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(5) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S licenses. 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) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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) For the remainder of the probation period, 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.

(9) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(10) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(12) 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 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) months for three (3) years of employment as a nurse.

(13) 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.**

(14) 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. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. 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 probation 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 probation 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 licenses and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(15) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end

of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S licenses 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.

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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. 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10th day of August, 2010.

Tiffany Dawn Benitez

TIFFANY DAWN BENITEZ, Respondent

Sworn to and subscribed before me this 10 day of August, 2010.

SEAL

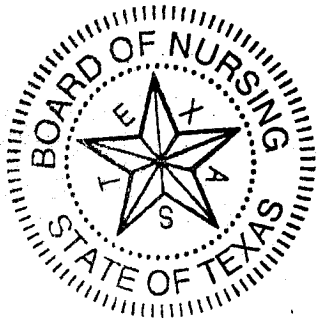
Deborah J. Cordoza

Notary Public in and for the State of Texas

DEBORAH J. CORDOZA
MY COMMISSION EXPIRES
April 9, 2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of August, 2010, by TIFFANY DAWN BENITEZ, Registered Nurse License Number 697179 and Vocational Nurse License Number 179240, and said Order is final.

Effective this 14th day of September, 2010.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Registered Nurse	§	AGREED
License Number 697179 and Vocational	§	ORDER
Nurse License Number 179240	§	
issued to TIFFANY DAWN BENITEZ (CHISOLM)	§	

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that TIFFANY DAWN BENITEZ (CHISOLM), hereinafter referred to as Respondent, Registered Nurse License Number 697179 and Vocational Nurse License Number 179240, Section 301.452(b)(10), Texas Occupations Code.

An informal conference was held on April 10, 2007, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by John F. Legris, Attorney at Law. In attendance were Mary Beth Thomas, MN, RN, Director of Nursing, Executive Director's Designee; Beverley Jean Nutall, LVN, Board Member; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Susan Anderson, RN, Investigator; and Robert M. Cantu, Investigator.

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 notice and hearing, and consented to the entry of this Order.

3. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Saint Philips College, San Antonio, Texas, on December 14, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on February 15, 2001. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 1, 2003.

5. Respondent's professional and vocational nursing employment history includes:

February 2001 to December 2001	LVN Stone Oak Family Practice San Antonio, Texas
January 2002 to November 2003	Staff Nurse Forum at Lincoln Heights San Antonio, Texas
October 2003 to October 2004	Staff Nurse Brooke Army Medical Center San Antonio, Texas
October 2004 to November 2005	Agency Nurse Intelistaf Healthcare, Inc. San Antonio, Texas
December 2005 to Present	Staff Nurse Kindred Hospital San Antonio, Texas

6. At the time of the incidents described in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as an Agency Nurse with Intelistaf Healthcare, Inc., San Antonio, Texas, and was on assignment at Christus Santa Rosa Medical Center, San Antonio, Texas, and had been in this position for approximately one (1) year and one (1) month.

7. On or about November 18, 2005, while employed with Intelistaf Healthcare, Inc., San Antonio, Texas, and on assignment at Christus Santa Rosa Medical Center, San Antonio, Texas, Respondent signed out two (2) tablets of Darvocet-N for Patient RN02397386 (Patient M.R.), but failed to document said narcotic in the patient's 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.

8. On or about November 18, 2005, while employed with Intelistaf Healthcare, Inc., San Antonio, Texas, and on assignment at Christus Santa Rosa Medical Center, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited bizarre behavior while on duty, including, but not limited to: anxiety, nervousness, and disorientation. Respondent's conduct 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.

9. Formal Charges were filed on January 29, 2007.

10. Formal Charges were mailed to Respondent on February 7, 2007.

11. On July 8, 2006, Respondent submitted notes from her Psychiatrist, George G. Meyer, and he indicated that the Respondent takes Xanax on an as needed basis to treat Anxiety and Panic Attacks. Furthermore, Respondent has been treated with additional medications for Depression.

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)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B),(D)(ii)&(iv) and 22 TEX. ADMIN. CODE §217.12 (1)(E),(4),(5)&(10)(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 697179 and Vocational Nurse License Number 179240, heretofore issued to TIFFANY DAWN BENITEZ (CHISOLM), including revocation of Respondent's professional and vocational licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act,

Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional and/or vocational nursing in compact states.

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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized licenses issued to TIFFANY DAWN BENITEZ (CHISOLM), to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. 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) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(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 on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED AND/OR A LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL 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 A REGISTERED AND/OR VOCATIONAL NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(4) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional and/or vocational nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy. Enclose the list of Board accepted Therapists/Counselors with Order.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional and/or vocational 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. 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 to practice professional and/or vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15th day of May, 2007.

TIFFANY DAWN BENITEZ (CHISOLM), Respondent

Sworn to and subscribed before me this 15th day of May, 2007.

SEAL

Jessica Sanchez

Notary Public in and for the State of Texas

Jessica Sanchez
Notary Public
State of Texas
My Comm. Exp. 4-8-2009

Approved as to form and substance.

JOHN F. LEGRIS, Attorney for Respondent

Signed this 9th day of May, 2007.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 15th day of May, 2007, by TIFFANY DAWN BENITEZ (CHISOLM), Registered Nurse License Number 697179 and Vocational Nurse License Number 179240, and said Order is final.

Effective this 12th day of June, 2007.

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

SCANNED
JUN 01 2009
BY: 10

FAX RECEIVED
MAY 11 2009
BY:

BEFORE THE TEXAS BOARD OF NURSING

****

210 355 8635
5031 River Kente
SATX 78240
401-29-9387

In the Matter of	§	
Registered Nurse License Number 697179	§	AGREED
Vocational Nurse License Number 179240	§	ORDER
issued to TIFFANY DAWN BENITEZ	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TIFFANY DAWN BENITEZ, Registered Nurse License Number 697179 and Vocational Nurse License Number 179240 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 24, 2008, 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 and vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Saint Philips College, San Antonio, Texas, on December 14, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on February 15, 2001. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 1, 2003.

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5. Respondent's professional and vocational nursing employment history includes:

01/00 - 12/00	Staff Nurse/ LVN	Stone Oak Family Practice San Antonio, Texas
08/00 - 02/01	Staff Nurse/ LVN	University Hospital San Antonio, Texas
01/01 - 10/03	Staff Nurse	Forum at Lincoln Heights San Antonio, Texas
08/03 - 10/05	Staff Nurse	Brooke Army Medical Center San Antonio, Texas
10/04 - 05/05	Staff Nurse	St. Luke's Baptist Hospital San Antonio, Texas
05/05 - 08/06	Assistant Director of Nursing	Allcare, Inc. San Antonio, Texas
09/05 - 11/05	Agency Nurse	InteliStaf San Antonio, Texas
06/05 - 02/06	Case Manager	Optimacare San Antonio, Texas
02/06 - 08/06	Agency Nurse	Nix Home Care San Antonio, Texas
06/06 - 11/07	Staff Nurse	Princeton Place Nursing Home San Antonio, Texas
08/06 - 04/07	Charge Nurse/ Relief Supervisor	Kindred Hospital San Antonio, Texas
04/08 - 06/08	Staff Nurse	HealthSouth Riosa San Antonio, Texas
07/08 - 09/08	Agency Nurse	Favorite Healthcare Staffing San Antonio, Texas
10/08 - Present	Unknown	

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6. On June 12, 2007, Respondent was issued a Warning with Stipulations by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 12, 2007, is attached and incorporated by reference as part of this Order.

7. At the time of the incidents in Findings of Fact Number Eight (8) through Number Eleven (11), Respondent was employed as a Staff Nurse with Princeton Place, San Antonio, Texas, and had been in this position for one (1) year and five (5) months.

8. On or about November 27, 2007, while employed with Princeton Place Nursing Home, San Antonio, Texas, Respondent withdrew Lortab 5/500mg from the medication dispensing system for Patient Medical Record Number 1132, but failed to completely and accurately document the administration of the medication in the patient's Medication Administration Record and/or Nurse's Notes. Furthermore, The medication was discontinued by the physician on November 25, 2007. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose and the administration of Lortab without a valid physician's order could result in the patient suffering from adverse reactions.

9. On or about November 27, 2007, while employed with Princeton Place Nursing Home, San Antonio, Texas, Respondent withdrew Lortab 5/500mg from the medication dispensing system for patients, but failed to follow the policy and procedure for wastage of the medications. 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 Substance Act).

10. On or about November 27, 2007, while employed with Princeton Place Nursing Home, San Antonio, Texas, Respondent misappropriated Lortab 5/500mg belonging to the facility and 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.

11. On or about November 27, 2007, while employed with Princeton Place Nursing Home, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that, while on duty, Respondent exhibited behavior including but limited to: slurred speech, falling asleep, unsteady gait, staggering, and trying to eat a banana with the peel on it. As a result of her behavior Respondent was relieved from duty and sent home. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

12. At the time of the incidents in Findings of Fact Number Thirteen (13) through Seventeen (17), Respondent was employed as a Staff Nurse with HealthSouth Riosa, San Antonio, Texas , and had been in this position for two (2) months.

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13. On or about May 26, 2008 through June 4, 2008, while employed with HealthSouth Riosa, San Antonio, Texas, Respondent withdrew Hydrocodone from the Medication Dispensing System (Med Dispense) for Patient Medical Record Number 211159, without valid physicians' orders. Respondent's conduct was likely to injure the patient in that the administration of Hydrocodone without a valid physician's order could result in the patient suffering from adverse reactions.

14. On or about May 26, 2008 through June 4, 2008, while employed with HealthSouth Riosa, San Antonio, Texas, Respondent withdrew One Hundred Fifty One (151) Tabs of Hydrocodone from the Medication Dispensing System (Med Dispense) for various patients in doses which were in excess frequency of the physicians' orders. Respondent's conduct was likely to injure the patients in that the administration of Hydrocodone in excess frequency of the physician's order could result in the patient suffering from adverse reactions.

15. On or about May 26, 2008 through June 4, 2008, while employed with HealthSouth Riosa, San Antonio, Texas, Respondent withdrew Eighty Two (82) Tabs of Hydrocodone and Two (2) Tabs of Oxycodone from the Medication Dispensing System (Med Dispense) 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. Respondent's conduct 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.

16. On or about May 26, 2008 through June 4, 2008, while employed with HealthSouth Riosa, San Antonio, Texas, Respondent withdrew Eighty Two (82) Tabs of Hydrocodone and One (1) Tab of Oxycodone from the Medication Dispensing System (Med Dispense) for various patients, but failed to follow the facility's policy and procedure for the wastage of the medications. 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 Substance Act).

17. On or about May 26, 2008 through June 4, 2008, while employed with HealthSouth Riosa, San Antonio, Texas, Respondent misappropriated Hydrocodone and Oxycodone from the facility and 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.

18. On or about September 4, 2008, while employed with Favorites Healthcare Staffing, San Antonio, Texas, and on assignment with North Central Baptist Hospital, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that while on duty Respondent was observed falling asleep, having slurred speech, and appeared confused. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

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19. On or about September 4, 2008, while employed with Favorites Healthcare Staffing, San Antonio, Texas, and on assignment with North Central Baptist Hospital, San Antonio, Texas, Respondent misappropriated Morphine, Seroquel, Hydromorphone, Tizamidine, and Zolpidem Tartrate belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

20. On or about September 4, 2008, while employed with Favorites Healthcare Staffing, San Antonio, Texas, and on assignment with North Central Baptist Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of Opiates in that Respondent submitted a specimen for a drug screen which resulted positive for Opiates. Possession of Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates by a 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.

21. 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.

22. 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.

23. Respondent's conduct described in Findings of Fact Numbers Eight (8) through Twenty (20) resulted from Respondent's impairment by dependency on chemicals.

24. 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)(9)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)(C)(D)(T) and 217.12(1)(A)(E),(5),(6)(A)(G),(8),(10)(A)(B)(C)(D)&(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 697179 and Vocational Nurse License 179240, heretofore issued to TIFFANY DAWN BENITEZ, including revocation of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

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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):

RESPONDENT SHALL deliver the wallet-sized license issued to TIFFANY DAWN BENITEZ, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(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) 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 his/her license 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.

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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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 license is 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of the offense as outlined in Finding of Fact Number Seven (7), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational 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 license to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30 day of March, 2009.

Tiffany Dawn Benitez

TIFFANY DAWN BENITEZ, Respondent

Sworn to and subscribed before me this 23 day of March, 2009

SEAL

Deborah J. Cordoza

Notary Public in and for the State of Texas

DEBORAH J. CORDOZA
MY COMMISSION EXPIRES
April 9, 2012

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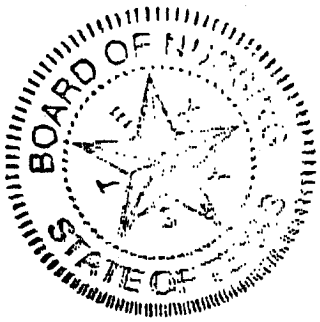
WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 30th day of March, 2009, by TIFFANY DAWN BENITEZ, Registered Nurse License Number 697179 and Vocational Nurse License Number 179240, and said Order is final.



Entered and effective this 2nd day of **April**, **2009**.

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