BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 698896	§	
issued to ALMA ROSA SCHUTZ	§	ORDER

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 B accepted the voluntary surrender of Registered Nurse License Number 698896, issued to ALMA ROSA SCHUTZ, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

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

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

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

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

4. Respondent received an Associate Degree in Nursing from Houston Community College, Houston, Texas, on May 10, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 22, 2003.

5. Respondent's employment history includes:

6/03 - 6/05	Staff Nurse	Park Plaza Hospital Houston, Texas
7/05 - 8/06	Staff Nurse	Select Specialty Hospital Houston, Texas
9/06 - present	Unknown	

6. On September 11, 2007, Respondent was issued the sanction of Reprimand with Stipulations by the Texas Board of Nursing. A copy of the September 11, 2007, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. Formal Charges were filed on September 17, 2009. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.

8. Formal Charges were mailed to Respondent on September 24, 2009.

9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

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)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 698896, heretofore issued to ALMA ROSA SCHUTZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(C), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 698896, heretofore issued to ALMA ROSA SCHUTZ, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 13 day of October, 2010.

Alma Schutz

ALMA ROSA SCHUTZ, Respondent

Sworn to and subscribed before me this 13 day of October, 2010.

SEAL
KAROLYN LAVONNE STREDIC
Notary Public
STATE OF TEXAS
My Comm. Exp. February 03, 2013

Karolyn LaVonne Stredic

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 698896, previously issued to ALMA ROSA SCHUTZ.

Effective this 20th day of October, 20 10.

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

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 698896, Issued to	§	
ALMA ROSA SCHUTZ, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ALMA ROSA SCHUTZ, is a Registered Nurse holding license number 698896, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about September 12, 2008, Respondent failed to comply with the Agreed Order issued to her on September 11, 2007, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

> (2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the September 11, 2007, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE II.

On or about September 12, 2008, Respondent failed to comply with the Agreed Order issued to her on September 11, 2007, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Three (3) of the Agreed Order which states, in pertinent part:

> (3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation....

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated September 11, 2007.

Filed this 17th day of September, 2009.

STATE OF TEXAS BOARD OF NURSING

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
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P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated September 11, 2007

0999/D

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

In the Matter of Registered Nurse	§	AGREED
License Number 698896	§	
issued to ALMA ROSA SCHUTZ	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of ALMA ROSA SCHUTZ, Registered Nurse License Number 698896, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on July 6, 2007, 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.

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 Houston Community College, Houston, Texas, on May 10, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 22, 2003.

5. Respondent's professional nursing employment history includes:

June 2003 - June 2005	RN Park Plaza Hospital Houston, Texas
July 2005 - August 2006	RN Select Specialty Hospital Houston, Texas
September 2006 - Present	Unknown

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Park Plaza Hospital, Houston, Texas, and had been in this position for one (1) year and eleven (11) months.

7. On or about May 1, 2005 to June 28, 2005, while employed with Park Plaza Hospital, Houston, Texas, Respondent withdrew Demerol, Ativan and Xanax from the facility's medication dispensing system for patients which was in excess frequency and/or dosage of physician's orders, as follows:

Date/Time	Patient MR#	Medication	Physicians Order	MAR	Nurses Notes
5/1/05 7:47	3043322	Demerol (1)	50 mg Q4H PRN	0700	None
5/1/05 8:55	3043322	Demerol (1)	50 mg Q4H PRN	1000	None
5/1/05 12:04	3043322	Demerol (1)	50 mg Q4H PRN	1300	None
5/1/05 15:28	3043322	Demerol (1)	50 mg Q4H PRN	1600	None
5/1/05 18:38	3043322	Demerol (1)	50 mg Q4H PRN	1900	None
5/3/05 7:25	3043322	Demerol (1)	50 mg Q4H PRN	0700	None
5/3/05 8:53	3043322	Demerol (1)	50 mg Q4H PRN	1000	None
5/3/05 12:57	3043322	Demerol (1)	50 mg Q4H PRN	1300	None
5/3/05 15:38	3043322	Demerol (1)	50 mg Q4H PRN	1600	None
5/3/05 18:15	3043322	Demerol (1)	50 mg Q4H PRN	1900	None

5/4/05 8:19	3328986	Demerol (1)	50 mg Q4-6H PRN	0830	0830
5/4/05 9:23	3328986	Demerol (1)	50 mg Q4-6H PRN	1100	1100
5/9/05 7:37	3298161	Demerol (1)	50 mg Q4-6H PRN	0730	None
5/9/05 10:47	3298161	Demerol (1)	50 mg Q4-6H PRN	1000	None
5/9/05 13:41	3298161	Demerol (1)	50 mg Q4-6H PRN	1400	None
5/9/05 16:42	3298161	Demerol (1)	50 mg Q4-6H PRN	1730	None
5/10/05 9:10	3298161	Demerol (1)	50 mg Q4-6H PRN	0900	0900
5/10/05 11:59	3298161	Demerol (1)	50 mg Q4-6H PRN	1240	1240
5/10/05 15:15	3298161	Demerol (1)	50 mg Q4-6H PRN	1600	1600
5/10/05 18:56	3298161	Demerol (1)	50 mg Q4-6H PRN	1900	None
5/13/05 7:35	3189134	Demerol (1)	75 mg Q2H PRN	0710	0710
5/13/05 8:38	3189134	Demerol (1)	75 mg Q2H PRN	0850	0850
5/13/05 9:33	3189134	Demerol (1)	75 mg Q2H PRN	1030	1030
5/13/05 11:51	3189134	Demerol (1)	75 mg Q2H PRN	1230	None
5/13/05 13:12	3189134	Demerol (1)	75 mg Q2H PRN	1430	None
5/13/05 8:05	3330783	Demerol (1)	50 mg Q4H PRN	0800	0800
5/13/05 10:25	3330783	Demerol (1)	50 mg Q4H PRN	1130	1130
5/15/05 7:28	3189134	Demerol (1)	100 mg Q2H PRN	0700	0700
5/15/05 8:27	3189134	Demerol (1)	100 mg Q2H PRN	0850	0850
5/15/05 16:56	3189134	Demerol (1)	100 mg Q2H PRN	1700	None
5/15/05 18:22	3189134	Demerol (1)	100 mg Q2H PRN	1855	1855
5/15/05 12:34	3260400	Demerol (1)	50 mg Q4-6H PRN	1230	1230

5/15/05 15:30	3260400	Demerol (1)	50 mg Q4-6H PRN	1600	1600
5/15/05 18:22	3260400	Demerol (1)	50 mg Q4-6H PRN	1910	None
5/29/05 7:25	3331318	Demerol (1)	50-75 mg Q3H PRN	0720	None
5/29/05 9:19	3331318	Demerol (1)	50-75 mg Q3H PRN	1000	None
5/29/05 11:20	3331318	Demerol (1)	50-75 mg Q3H PRN	1245	None
5/29/05 14:24	3331318	Demerol (1)	50-75 mg Q3H PRN	Illegible	None
5/29/05 15:09	3331318	Demerol (1)	50-75 mg Q3H PRN	None	None
6/1/05 7:30	3289802	Demerol (1)	50 mg Q4H PRN	0700	Illegible
6/1/05 9:35	3289802	Demerol (1)	50 mg Q4H PRN	Illegible	1040
6/1/05 13:06	3289802	Demerol (1)	50 mg Q4H PRN	Illegible	1350
6/1/05 15:19	3289802	Demerol (1)	50 mg Q4H PRN	Illegible	1530
6/1/05 17:39	3289802	Demerol (1)	50 mg Q4H PRN	1900	1900
6/2/05 7:51	3289802	Demerol (1)	50 mg Q4H PRN	0710	0710
6/2/05 10:37	3289802	Demerol (1)	50 mg Q4H PRN	1000	1000
6/2/05 13:42	3289802	Demerol (1)	50 mg Q4H PRN	1350	1350
6/2/05 8:05	3289802	Xanax (2)	(1) 1 mg BID	0900	None
6/7/05 9:10	3326475	Demerol (1)	50 mg Q3H PRN	0830	0830
6/7/05 9:42	3326475	Demerol (1)	50 mg Q3H PRN	1100	1100
6/7/05 12:27	3261705	Demerol (1)	50 mg Q3H PRN	1225	1225
6/7/05 13:30	3261705	Demerol (1)	50 mg Q3H PRN	1500	None
6/7/05 9:10	3200411	Ativan (2)	(1) 2 mg PO PRN	0900	None
6/7/05 15:37	3200411	Ativan (2)	(1) 2 mg PO PRN	1530	None

6/9/05 17:12	3212104	Demerol (1)	25 mg Q3-4H PRN	None	None
6/9/05 17:57	3212104	Demerol (1)	25 mg Q3-4H PRN	None	None
6/10/05 10:22	3317196	Demerol (1)	35 mg Q4H PRN	0930	None
6/10/05 12:19	3317196	Demerol (1)	35 mg Q4H PRN	1300	None
6/10/05 15:12	3317196	Demerol (1)	35 mg Q4H PRN	Illegible	None
6/10/05 17:37	3317196	Demerol (1)	35 mg Q4H PRN	1900	None
6/10/05 17:30	3067993	Demerol (1)	100 mg Q3H PRN	None	None
6/10/05 19:16	3067993	Demerol (1)	100 mg Q3H PRN	1910	None
6/16/05 7:27	3189134	Demerol (1)	100 mg Q2H PRN	0700	0700
6/16/05 8:32	3189134	Demerol (1)	100 mg Q2H PRN	0900	0900
6/16/05 14:22	3189134	Demerol (1)	100 mg Q2H PRN	1430	None
6/16/05 15:23	3189134	Demerol (1)	100 mg Q2H PRN	1630	None
6/16/05 17:58	3189134	Demerol (1)	100 mg Q2H PRN	Illegible	None
6/16/05 18:06	3189134	Demerol (1)	100 mg Q2H PRN	1830	None
6/28/05 7:57	3289802	Demerol (1)	50 mg Q4H PRN	0740	0740
6/28/05 9:20	3289802	Demerol (1)	50 mg Q4H PRN	1050	1050
6/28/05 7:55	3289802	Xanax (2)	(1) 1 mg BID	0900	None
6/28/05 9:20	3289802	Xanax (2)	(1) 1 mg BID	Illegible	None

Respondent's conduct was likely to injure the patients in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions including respiratory depression.

8. On or about May 3, 2005, to June 28, 2005, while employed with Park Plaza Hospital, Houston, Texas, Respondent withdrew Demerol, Ativan, Xanax and Morphine from the facility's medication dispensing system for patients but failed to accurately and/or completely

document the administration of the medications on the patients' Medication Administration Records (MAR) and Nurses Notes, as follows:

Date/Time	Patient MR#	Medication	Physicians Order	MAR	Nurses Notes	Wastage
5/3/05 16:49	3268623	Demerol (1)	50 mg Q4H PRN	None	None	None
5/13/05 17:06	3317167	Demerol (1)	25 mg Q4-6H PRN	None	None	None
5/13/05 16:54	3328986	Demerol (1)	25 mg Q4H PRN	None	None	None
5/13/05 17:06	3317167	Xanax (1)	(1) .5mg TID	None	None	None
5/24/05 16:05	3326475	Demerol (1)	50 mg Q3H PRN	None	None	None
5/29/05 14:24	3331318	Demerol (1)	50-75 mg Q3H PRN	Illegible	None	None
5/29/05 15:09	3331318	Demerol (1)	50-75 mg Q3H PRN	None	None	None
6/2/05 8:05	3289802	Xanax (2)	(1) 1 mg BID	0900	None	None
6/2/05 9:10	3200411	Morphine (1)	2 mg Q4H PRN	None	None	None
6/6/05 17:11	3093904	Demerol (1)	50 mg Q4-6H PRN	Illegible	None	None
6/7/05 9:10	3200411	Ativan (2)	(1) 2 mg PO PRN	0900	None	None
6/7/05 15:37	3200411	Ativan (2)	(1) 2 mg PO PRN	1530	None	None
6/9/05 17:12	3212104	Demerol (1)	25 mg Q3-4H PRN	None	None	None
6/9/05 17:57	3212104	Demerol (1)	25 mg Q3-4H PRN	None	None	None
6/10/05 17:30	3067993	Demerol (1)	100 mg Q3H PRN	None	None	None
6/14/05 15:31	3067993	Demerol (1)	100 mg Q3H PRN	Illegible	None	None
6/16/05 17:58	3189134	Demerol (1)	100 mg Q2H PRN	Illegible	None	None
6/28/05 7:55	3289802	Xanax (2)	(1) 1 mg BID	0900	None	None
6/28/05 9:20	3289802	Xanax (2)	(1) 1 mg BID	Illegible	None	None

Respondent's conduct 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 May 3, 2005 to June 28, 2005, while employed with Park Plaza Hospital, Houston, Texas, Respondent withdrew Demerol, Ativan, Xanax and Morphine from the facility's medication dispensing system for patients but failed to follow facility policy and procedure in place for the wastage of 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 Substances Act).

10. On or about May 3, 2005 to June 28, 2005, while employed with Park Plaza Hospital, Houston, Texas, Respondent misappropriated Demerol, Ativan, Xanax and Morphine belonging to the facility and patients thereof, or failed to take precautions to avoid such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.

11. On or about June 28, 2005, while employed with Park Plaza Hospital, Houston, Texas, Respondent may have lacked fitness to practice professional nursing in that she was observed exhibiting a dazed appearance. 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, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

12. At the time of the incidents in Findings of Fact Numbers Thirteen (13) and Fourteen (14), Respondent was employed as a Registered Nurse with Select Specialty Hospital, Houston, Texas, and had been in this position for one (1) year and one (1) month.

13. On or about August 4, 2006, while employed with Select Specialty Hospital, Houston, Texas, Respondent lacked fitness to practice professional nursing in that she was observed exhibiting characteristics of impaired behavior including, but not limited to: slurred speech, unsteady gait and an inability to complete sentences in response to direct questions. 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, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

14. On or about August 4, 2006, while employed with Select Specialty Hospital, Houston, Texas, Respondent misappropriated narcotics belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation, in that she was observed with multiple schedule II narcotics in her coat pocket, including two (2) Vicodin. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

15. Regarding the conduct outlined in Finding of Fact Number Thirteen (13), Respondent states

that she was taking medications for post-partum depression and that any strange behavior at work was due to lack of sleep from caring for her baby.

16. On April 11, 2007, Respondent submitted to a forensic psychological evaluation conducted by Joyce M. Gayles, Ph.D. Dr. Gayles concludes that Respondent has been diagnosed with and is being treated for Post-partum Depression. Respondent shows no signs of clinical depression at this time, and results from the SASSI-3 indicate she has a low probability of a Substance Dependence Disorder.

Dr. Gayles recommends that Respondent continue to receive psychological counseling and medication for depression for a period of at least eighteen (18) months, with written verification of treatment and progress provided by Respondent. Should Respondent remain in treatment and continue to recover from her depression, Dr. Gayles believes she could be expected to perform the duties and responsibilities of a professional nurse based on the requirements of Rules 213.27-213.29 and 217.11 at 22 Texas Administrative Code and consistently avoid unprofessional conduct as stipulated in Rule 217.12 at 22 TAC.

Dr. Gayles adds that Respondent is likely to perform best if she works in relatively low stress and more routine nursing environments and would not do well in high stress and/or unpredictable situations. Respondent could also benefit from additional training in standard nursing and hospital practices in regard to waste of medication and documentation of administration of medication.

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)(10), (12) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)(C)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)(B)(E), (4), (5), (6)(G), (10)(B)(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 698896, heretofore issued to ALMA ROSA SCHUTZ, including revocation of Respondent's license to practice professional 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 REPRIMAND 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 nursing in compact states.

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 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 license issued to ALMA ROSA SCHUTZ, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification 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 and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> 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) contact 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 Chemical Dependency, 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.bne.state.tx.us/about/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.bne.state.tx.us/about/stipscourses.html.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED 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 TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) 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:

(4) 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.

(5) 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.

(6) 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.

(7) 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) months for two (2) years of employment as a nurse.

(8) 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.**

(9) 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 stipulation period, random screens shall be performed at least once every three (3) months.

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 will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(10) 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 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.

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 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 violation 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of August, 2007.

Alma Rosa Schutz

ALMA ROSA SCHUTZ, Respondent

Sworn to and subscribed before me this 16th day of August, 2007.

KARLA ALCALA
Notary Public
STATE OF TEXAS
My Comm. Exp. April 24, 2011

Karla Alcala

Notary Public in and for the State of Texas

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 _6th__day of _August_____, 20_07__, by ALMA ROSA SCHUTZ, Registered Nurse License Number 698896, and said Order is final.

Effective this _11th__ day of September_____, 20_07__.

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

Alma Rosa Schutz
1007 Wentworth
Pearland, Texas 77584
Texas RN License #698896

Voluntary Surrender Statement

August 3, 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, Alma Rosa Schutz, 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 Alma Schutz

Date 8-16-10

Texas Nursing License Number/s 698896

The State of Texas

Before me, the undersigned authority, on this date personally appeared ALMA ROSA SCHUTZ 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 16 day of August, 2010

SEAL

LINIQUE VALERY
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP 03-05-2014

Notary Public in and for the State of TX