BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 430699	§	
issued to PEGGY ANN BEAVER	§	ORDER

TEXAS BOARD OF NURSING
I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo accepted the voluntary surrender of Registered Nurse License Number 430699, issued to PEGGY ANN BEAVER, 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.

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

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Diploma in Nursing from Wesley Medical Center School of Nursing, Wichita, Kansas, on July 1, 1972. Respondent was licensed to practice professional nursing in the State of Texas on July 29, 1974.

5. Respondent's professional nursing employment history includes:

   07/1974 - 01/1979 Employment history unknown.

Respondent's professional nursing employment history continued:

01/1979 - 07/1979	RN	Austin Community College Austin, Texas
07/1979 - 07/1988	RN	Lake Austin Resort-Health and Fitness Spa Austin, Texas
08/1988 - 12/1999	RN	South Austin Hospital Austin, Texas
12/1999 - 09/2008	RN	Surgicare of South Austin St. David's Healthcare System Austin, Texas

09/2008 - Present Employment history unknown.

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with St. David's Healthcare System, Surgicare of South Austin, Austin, Texas and had been in this position for eight (8) years and nine (9) months.

7. On or about August 28, 2008, while employed as a Registered Nurse with St. David's Healthcare System, Surgicare of South Austin, Austin, Texas, Respondent lacked fitness to practice professional nursing, in that while on duty she exhibited signs of impairment, smelled of alcohol, and admitted that she was suffering from depression. 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 August 28, 2008, while employed as a Registered Nurse with St. David's Healthcare System, Surgicare of South Austin, Austin, Texas, Respondent engaged in the intemperate use of Alcohol, in that she submitted a specimen for a drug screen that resulted positive for Alcohol. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states: "I suffer from chronic pain and depression. This is a result of multiple surgeries on my neck and back. I am being treated by Dr. Robert Wills for pain management. He has been my doctor since 2004. I have also been treated for depression. During the summer of 2008, I

began to use alcohol to mask my pain and depression, and to help me sleep. Of course, this didn't work. The combination of pain medicine and alcohol was causing even more depression. It was not keeping me asleep at night. I never took alcohol to work. On August 28, 2008, I had an intervention at work. I was accused of smelling of alcohol and showing signs of impairment. I admitted that I was suffering from depression. I submitted a specimen for a drug screen and it tested positive for alcohol. I never had alcohol at work. I never used alcohol at work. When my intervention occurred, I entered a thirty day "in house" rehabilitation center approved by TPAPN. I started attending 12 Step meetings. My life started to turn around. I also started medication for my depression and I am seeing a counselor. Today I can face my problems without the haze of alcohol. This week will be two years since I have had a drink of alcohol. I still have chronic pain, but in addition to medication, I am exploring alternative pain control. I am now on social security disability but if God is willing, I hope to get back to work, at least part time."

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

11. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

12. 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.

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)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(E),(4),(5)&(10)(A).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 430699, heretofore issued to PEGGY ANN BEAVER, including revocation of Respondent's license 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 430699, heretofore issued to PEGGY ANN BEAVER, 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 immediately deliver the wallet-sized license, heretofore issued to PEGGY ANN BEAVER, to the office of the Texas Board of Nursing.

2. 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.

3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

4. 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 8th day of October, 2010.

PEGGY ANN BEAVER, Respondent

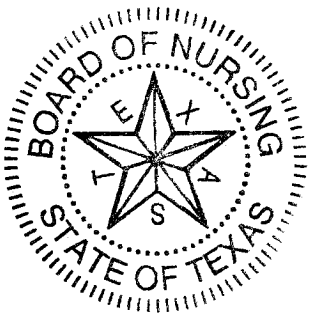
Sworn to and subscribed before me this 8 day of October, 2010.

SEAL

MEGAN LIVINGSTON
Notary Public
STATE OF TEXAS
My Comm. Exp. 09-17-13

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 430699, previously issued to PEGGY ANN BEAVER.



Effective this 14th day of October, 2010.

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