

IN THE MATTER OF  
REGISTERED NURSE  
LICENSE NUMBER 657545  
ISSUED TO RUTH DUNN

§  
§  
§  
§

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

**NUNC PRO TUNC ORDER OF THE BOARD**

TO: Ruth Dunn  
3512 South Drive  
Fort Worth, Texas 76109

During open meeting held in Austin, Texas, the Texas Board of Nursing (Board) finds that an Agreed Order of the Board was mistakenly ratified by the Board for Ruth Dunn. The Agreed Order contains the incorrect effective date. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein, invalidates the Agreed Order of the Board for Ruth Dunn that is dated February 8, 2010, and submits and enters the corrected Agreed Order of the Board, which contains the correct effective date of February 8, 2011. No other changes to the Agreed Order have been made. Ms. Dunn received due process regarding her license; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Agreed Order of the Board is hereby approved and entered on the dates set forth below.

Order effective February 8, 2011.

Entered this 14th day of April, 2011.

TEXAS BOARD OF NURSING

BY:

Handwritten signature of Katherine A. Thomas in cursive.

KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR, ON BEHALF OF THE BOARD

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse           §     AGREED  
License Number 657545                       §  
issued to RUTH DUNN                         §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RUTH DUNN, Registered Nurse License Number 657545, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 11, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas on December 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on February 2, 1999.
5. Respondent's professional nursing employment history includes:

02/1999 - 06/2007	RN	Harris Methodist Hospital Fort Worth Fort Worth, Texas
-------------------	----	---

Respondent's professional nursing employment history continued:

07/2007 - 07/2008	RN	Plaza Medical Center Fort Worth, Texas
07/2008 - 11/2008	RN	Kindred Hospital Fort Worth Fort Worth, Texas
12/2008 - Present	Employment history unknown	

6. On June 5, 2009, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and June 5, 2009, Agreed Order is attached and incorporated, by reference, as part of this Order.
7. On or about February 22, 2010, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing, on June 5, 2009. Respondent's noncompliance is the result of her failure to comply with Stipulation Number Three (3) of the Order, which reads, in pertinent part:

(3) "PETITIONER SHALL, comply with all requirements of the TPAPN contract during its term..."

Respondent failed to submit specimens for random drug screens, as requested by TPAPN on February 22, 2010, July 21, 2010, September 17, 2010, and October 26, 2010. Additionally, she admitted that she had become depressed and relapsed on Alcohol.

8. In response to Finding of Fact Number Seven (7), Respondent states: "I forgot to call in on those dates. I did become depressed after the death of my mother. I do not feel I relapsed on Alcohol, but I did have a drink at that time."
9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to chemical dependency.
10. Formal Charges were filed on December 16, 2010.
11. Formal Charges were mailed to Respondent on December 20, 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 violation of Section 301.452(b)(1),(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(5),(9)&(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 657545, heretofore issued to RUTH DUNN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 657545, previously issued to RUTH DUNN, 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 AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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, 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>*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://www.learningext.com/products/generalce/critical/ctabout.asp>.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred and fifty (\$750.00). RESPONDENT SHALL pay this fine within ninety (90) 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.

**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) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:**

(6) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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.**

(115) 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 license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(16) 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 license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

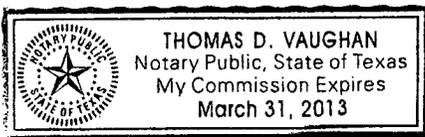
Signed this 12 day of JANUARY, 2011.

Ruth Dunn  
RUTH DUNN, Respondent

Sworn to and subscribed before me this 12 day of Jan, 2011.

SEAL

Thomas Vaughan  
Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of January, 2011, by RUTH DUNN, Registered Nurse License Number 657545, and said Order is final.

Effective this 8th day of February, 2011.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

---

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

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse § AGREED  
License Number 657545 §  
issued to RUTH DUNN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RUTH DUNN, Registered Nurse License Number 657545, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 19, 2009, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas on December 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on February 2, 1999.
5. Respondent's professional nursing employment history includes:
 

02/1999 - 06/2007	RN	Harris Methodist Hospital Fort Worth Fort Worth, Texas
-------------------	----	---

Respondent's professional nursing employment history continued:

07/2007 - 07/2008	RN	Plaza Medical Center Fort Worth, Texas
07/2008 - 11/2008	RN	Kindred Hospital Fort Worth Fort Worth, Texas
12/2008 - Present	Employment history unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with Plaza Medical Center, Fort Worth, Texas, and had been in this position for eight (8) months.
7. On or about March 13, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent withdrew Norco and Vicodin from the Medication Dispensing System (Pyxis) for patients without valid physician's orders. Respondent's conduct was likely to injure the patients, in that the administration of Norco and Vicodin, without a valid physician's order, could result in the patients experiencing adverse reactions.
8. On or about February 19, 2008 through March 12, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent withdrew Norco and Vicodin from the Medication Dispensing System (Pyxis) 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 patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

Date	Patient	Order	Narc log Time/ Med	MAR	Nurse's Notes	Waste
2/21/08	16272885	Hydrocodone/APAP 5/500 1 UDTAB PO PQ4H PRN	2 Vicodin 5/500 @ 1156	None	1130 Medicated with Vicodin	X
2/19/08	16272796	Hydrocodone/APAP 7.5/500 1-2 PO PQ4H PRN	2 Lortab 7.5/500 @ 0736	None	None	X
3/5/08	16295779	Hydrocodone/APAP 5/500 1 UDTAB PO PRN Q4H	1 Vicodin 5/500 @ 1628	None	None	X
3/12/08	16303996	Norco 10/325 1-2 PO Q4H PRN	2 Norco 10/325 @ 1117	None	None	X

3/4/08	16293302	None	2 Lortab 7.5/500 @ 1745	None	None	X
--------	----------	------	-------------------------------	------	------	---

9. On or about February 19, 2008, through March 12, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent withdrew Norco and Vicodin from the Medication Dispensing System (Pyxis) for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions 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 Substances Act).
10. On or about February 19, 2008, through March 12, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent misappropriated Vicodin and Norco from the facility and patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications.
11. On or about March 13, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent lacked fitness to practice professional nursing, in that her behavior was "flighty and erratic." 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.
12. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent states: "On March 13, 2008 I had taken 2 Vicodin (that a friend gave me) before I went to work. I had a bad backache. I was not in any way acting erratic or flighty. Later that afternoon I had taken Norco from the Pyxis for my three patients. Each time they would complain of pain I would get their med and they would have fallen asleep or denied pain. I worked in the Neuro ICU. I was at fault for not returning the medications to the Pyxis. The only drugs in my back pack were Advil, Maxide and Metoprol. I did not admit to any one that day that I had a drug problem. After I self reported to TPAPN I did realize how wrong I was to take a friend's prescription."
13. On or about March 13, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent engaged in the intemperate use of Opiates, in that she produced a specimen for a drug screen which resulted positive for Opiates. Additionally, Respondent admitted to having a problem with drugs. Possession of Opiates, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Opiates by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

14. On or about May 27, 2008, while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent engaged in the intemperate use of alcohol, in that she produced a specimen for a random drug screen by the Texas Peer Assistance Program for Nurses (TPAPN) which 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 make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
15. In response to Finding of Fact Number Fourteen (14), Respondent states: "My drug screen was positive for ETOH Metabolites, I had not had any ETOH that day. In fact, a few days before I had a few glasses of wine. It was at that time that Medical Plaza let me go."
16. On or about June 3, 2008, while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent engaged in the intemperate use of alcohol, in that she produced a specimen for a random drug screen by the Texas Peer Assistance Program for Nurses (TPAPN) which 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 make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
17. On or about September 17, 2008, while employed as a Registered Nurse with Kindred Hospital Ft. Worth, Texas, Respondent engaged in the intemperate use of Cocaine, in that she produced a specimen for a random drug screen by the Texas Peer Assistance Program for Nurses (TPAPN) which resulted positive for Cocaine. The use of Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
18. In response to Finding of Fact Number Seventeen (17), Respondent states: "In September I went on my first date since my divorce. The next day when I tested positive for Cocaine I was shocked. The only way that I could have gotten Cocaine in my system was second hand. We did a lot of kissing that evening and he did get up and leave the room a few times. Each time he came back there was a bitter taste in his mouth. Little did I know he was snorting cocaine. He has since confessed to me. I paid the pathologist to re-analyze my results. He said that I had a very small amount but believed that I could not get it second hand. I give you my word I did not ingest cocaine. At this time I am continuing my AA meetings, working the 12 steps and going to aftercare. I believe that God has made me go through this to realize my ETOH problem, and I was sloppy in my nursing care. If I can go to TPAPN I will not let you down and will practice nursing with the highest of standard."
19. 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.

20. 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.
21. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Eleven (11), and Thirteen (13), Fourteen (14), Sixteen (16), and Seventeen (17) resulted from Respondent's impairment by dependency on chemicals.
22. 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 violations of Section 301.452(b)(9),(10), (12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(B), (C),(D) &(T), and 22 TEX. ADMIN. CODE §217.12(1)(E),(4), (5),(6)(G),(10)(A),(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 567545, heretofore issued to RUTH DUNN, including revocation of Respondent's license to practice professional nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to RUTH DUNN, to

the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(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.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's 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.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

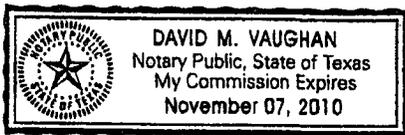
I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1 day of JUNE, 2009.

Ruth Dunn  
RUTH DUNN, Respondent

Sworn to and subscribed before me this 1<sup>st</sup> day of JUNE, 2009.

SEAL



David M. Vaughan

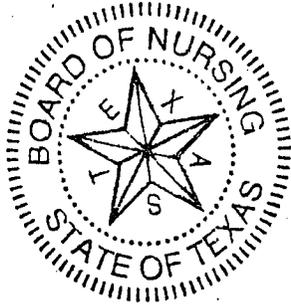
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Christopher Malish  
Christopher Malish, Attorney for Respondent

Signed this 3<sup>rd</sup> day of JUNE, 2009.

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 1<sup>st</sup> day of June, 2009, by RUTH DUNN, Registered Nurse License Number 657545, and said Order is final.



Entered and effective this 5th day of June 2009.

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

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse           §     AGREED  
License Number 657545                       §  
issued to RUTH DUNN                         §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RUTH DUNN, Registered Nurse License Number 657545, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 11, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas on December 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on February 2, 1999.
5. Respondent's professional nursing employment history includes:

02/1999 - 06/2007	RN	Harris Methodist Hospital Fort Worth Fort Worth, Texas
-------------------	----	---

Respondent's professional nursing employment history continued:

07/2007 - 07/2008	RN	Plaza Medical Center Fort Worth, Texas
07/2008 - 11/2008	RN	Kindred Hospital Fort Worth Fort Worth, Texas
12/2008 - Present	Employment history unknown	

6. On June 5, 2009, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and June 5, 2009, Agreed Order is attached and incorporated, by reference, as part of this Order.
7. On or about February 22, 2010, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing, on June 5, 2009. Respondent's noncompliance is the result of her failure to comply with Stipulation Number Three (3) of the Order, which reads, in pertinent part:

(3) "PETITIONER SHALL, comply with all requirements of the TPAPN contract during its term..."

Respondent failed to submit specimens for random drug screens, as requested by TPAPN on February 22, 2010, July 21, 2010, September 17, 2010, and October 26, 2010. Additionally, she admitted that she had become depressed and relapsed on Alcohol.

8. In response to Finding of Fact Number Seven (7), Respondent states: "I forgot to call in on those dates. I did become depressed after the death of my mother. I do not feel I relapsed on Alcohol, but I did have a drink at that time."
9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to chemical dependency.
10. Formal Charges were filed on December 16, 2010.
11. Formal Charges were mailed to Respondent on December 20, 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 violation of Section 301.452(b)(1),(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(5),(9)&(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 657545, heretofore issued to RUTH DUNN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 657545, previously issued to RUTH DUNN, 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 AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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, 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>*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://www.learningext.com/products/generalce/critical/ctabout.asp>.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred and fifty (\$750.00). RESPONDENT SHALL pay this fine within ninety (90) 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.

**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) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:**

(6) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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.**

(115) 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 license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(16) 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 license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

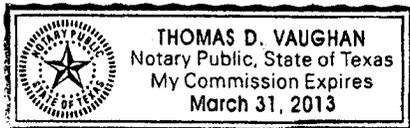
Signed this 12 day of JANUARY, 2011.

Ruth Dunn  
RUTH DUNN, Respondent

Sworn to and subscribed before me this 12 day of Jan, 2011.

SEAL

Thomas D. Vaughan  
Notary Public in and for the State of TEXAS



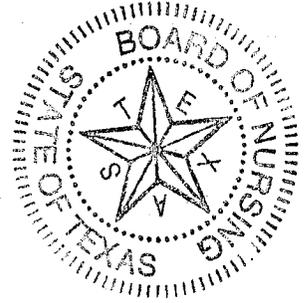
WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12<sup>th</sup> day of January, 2010, by RUTH DUNN, Registered Nurse License Number 657545, and said Order is final.

Effective this 8<sup>th</sup> day of February, 2010.



---

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





Respondent's professional nursing employment history continued:

07/2007 - 07/2008                      RN                      Plaza Medical Center  
Fort Worth, Texas

07/2008 - 11/2008                      RN                      Kindred Hospital Fort Worth  
Fort Worth, Texas

12/2008 - Present                      Employment history unknown

6. At the time of the incident, Respondent was employed as a Registered Nurse with Plaza Medical Center, Fort Worth, Texas, and had been in this position for eight (8) months.
7. On or about March 13, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent withdrew Norco and Vicodin from the Medication Dispensing System (Pyxis) for patients without valid physician's orders. Respondent's conduct was likely to injure the patients, in that the administration of Norco and Vicodin, without a valid physician's order, could result in the patients experiencing adverse reactions.
8. On or about February 19, 2008 through March 12, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent withdrew Norco and Vicodin from the Medication Dispensing System (Pyxis) 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 patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

Date	Patient	Order	Narc log Time/ Med	MAR	Nurse's Notes	Waste
2/21/08	16272885	Hydrocodone/APAP 5/500 1 UDTAB PO PQ4H PRN	2 Vicodin 5/500 @ 1156	None	1130 Medicated with Vicodin	X
2/19/08	16272796	Hydrocodone/APAP 7.5/500 1-2 PO PQ4H PRN	2 Lortab 7.5/500 @ 0736	None	None	X
3/5/08	16295779	Hydrocodone/APAP 5/500 1 UDTAB PO PRN Q4H	1 Vicodin 5/500 @ 1628	None	None	X
3/12/08	16303996	Norco 10/325 1-2 PO Q4H PRN	2 Norco 10/325 @ 1117	None	None	X

3/4/08	16293302	None	2 Lortab 7.5/500 @ 1745	None	None	X
--------	----------	------	-------------------------------	------	------	---

9. On or about February 19, 2008, through March 12, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent withdrew Norco and Vicodin from the Medication Dispensing System (Pyxis) for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions 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 Substances Act).
10. On or about February 19, 2008, through March 12, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent misappropriated Vicodin and Norco from the facility and patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications.
11. On or about March 13, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent lacked fitness to practice professional nursing, in that her behavior was "flighty and erratic." 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.
12. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent states: "On March 13, 2008 I had taken 2 Vicodin (that a friend gave me) before I went to work. I had a bad backache. I was not in any way acting erratic or flighty. Later that afternoon I had taken Norco from the Pyxis for my three patients. Each time they would complain of pain I would get their med and they would have fallen asleep or denied pain. I worked in the Neuro ICU. I was at fault for not returning the medications to the Pyxis. The only drugs in my back pack were Advil, Maxide and Metoprol. I did not admit to any one that day that I had a drug problem. After I self reported to TPAPN I did realize how wrong I was to take a friend's prescription."
13. On or about March 13, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent engaged in the intemperate use of Opiates, in that she produced a specimen for a drug screen which resulted positive for Opiates. Additionally, Respondent admitted to having a problem with drugs. Possession of Opiates, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Opiates by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

14. On or about May 27, 2008, while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent engaged in the intemperate use of alcohol, in that she produced a specimen for a random drug screen by the Texas Peer Assistance Program for Nurses (TPAPN) which 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 make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
15. In response to Finding of Fact Number Fourteen (14), Respondent states: "My drug screen was positive for ETOH Metabolites, I had not had any ETOH that day. In fact, a few days before I had a few glasses of wine. It was at that time that Medical Plaza let me go."
16. On or about June 3, 2008, while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent engaged in the intemperate use of alcohol, in that she produced a specimen for a random drug screen by the Texas Peer Assistance Program for Nurses (TPAPN) which 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 make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
17. On or about September 17, 2008, while employed as a Registered Nurse with Kindred Hospital Ft. Worth, Texas, Respondent engaged in the intemperate use of Cocaine, in that she produced a specimen for a random drug screen by the Texas Peer Assistance Program for Nurses (TPAPN) which resulted positive for Cocaine. The use of Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
18. In response to Finding of Fact Number Seventeen (17), Respondent states: "In September I went on my first date since my divorce. The next day when I tested positive for Cocaine I was shocked. The only way that I could have gotten Cocaine in my system was second hand. We did a lot of kissing that evening and he did get up and leave the room a few times. Each time he came back there was a bitter taste in his mouth. Little did I know he was snorting cocaine. He has since confessed to me. I paid the pathologist to re-analyze my results. He said that I had a very small amount but believed that I could not get it second hand. I give you my word I did not ingest cocaine. At this time I am continuing my AA meetings, working the 12 steps and going to aftercare. I believe that God has made me go through this to realize my ETOH problem, and I was sloppy in my nursing care. If I can go to TPAPN I will not let you down and will practice nursing with the highest of standard."
19. 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.

20. 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.
21. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Eleven (11), and Thirteen (13), Fourteen (14), Sixteen (16), and Seventeen (17) resulted from Respondent's impairment by dependency on chemicals.
22. 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 violations of Section 301.452(b)(9),(10), (12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(B), (C),(D) &(T), and 22 TEX. ADMIN. CODE §217.12(1)(E),(4), (5),(6)(G),(10)(A),(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 567545, heretofore issued to RUTH DUNN, including revocation of Respondent's license to practice professional nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to RUTH DUNN, to

the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(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.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's 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.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

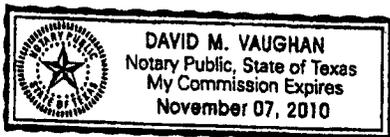
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1 day of JUNE, 2009.

Ruth Dunn  
RUTH DUNN, Respondent

Sworn to and subscribed before me this 1<sup>st</sup> day of JUNE, 2009.

SEAL



David M. Vaughan  
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Christopher Malish  
Christopher Malish, Attorney for Respondent

Signed this 3<sup>rd</sup> day of JUNE, 2009.

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 1<sup>st</sup> day of June, 2009, by RUTH DUNN, Registered Nurse License Number 657545, and said Order is final.



Entered and effective this 5th day of June 2009.

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