

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 104874
ISSUED TO
REBA A. CHISUM

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF 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.
Patricia R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Reba A. Chisum
P.O. Box 1064
Leakey, TX 78873

During open meeting held in Austin, Texas, on Tuesday, August 17, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 104874, previously issued to REBA A. CHISUM, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 104874, previously issued to REBA A. CHISUM, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 17th day of August, 2010.



TEXAS BOARD OF NURSING

BY:

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

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of August, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Reba A. Chisum
P.O. Box 1064
Leakey, TX 78873



BY:

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 104874, Issued to §
REBA A. CHISUM, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, REBA A. CHISUM, is a Vocational Nurse holding license number 104874, which is in current 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 July 7, 2007, while employed with River City Care Center, San Antonio, Texas, Respondent falsified facility controlled substance records in that she completed a New Medication Order Sheet for Norco for Patient Medical Record Number 2007-20 without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Norco without a valid physician's order could result in the patient suffering from adverse reactions.

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

CHARGE II.

On or about July 7, 2007, while employed with River City Care Center, San Antonio, Texas, Respondent misappropriated Norco belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent was asked to submit a specimen for a for cause drug screen but refused to comply with the request. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(G).

CHARGE III.

On or about October 23, 2008, Respondent submitted a renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including

those pending appeal:

H. been arrested or have any pending criminal charges?"

On or about March 3, 2008, Respondent was arrested and charged with "Obtain Drugs by Fraud - Schedule III/IV," a 3rd Degree Felony (Committed on July 7, 2007) by the San Antonio Police Department, San Antonio, Texas. On or about December 1, 2008, Respondent plead No Contest to "Obtain Drugs by Fraud - Schedule III/IV," a 3rd Degree Felony in the 226th Judicial District Court of Bexar County, San Antonio, Texas, under Cause Number 2007CR8219.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2) & (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

CHARGE IV.

On or about December 1, 2008, Respondent plead No Contest to "Obtain Drugs by Fraud - Schedule III/IV," a 3rd Degree Felony in the 226th Judicial District Court of Bexar County, San Antonio, Texas, under Cause Number 2007CR8219. An adjudication of guilt was deferred, and Respondent was placed on community supervision for a period of two (2) years and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3) & (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(E), (11)(B) & (13).

CHARGE V.

On or about June 16 and June 17, 2009, while employed with Cedar Hills Geriatric Center, Camp Wood, Texas, Respondent removed Fentanyl patches from the medication dispensing system for Patient B.G. in excess frequency of physician's orders to apply the patch every three (3) days. Additionally, the patches were never found on the patient. Respondent's conduct was likely to injure the patient in that the administration of Fentanyl patches in excess frequency of physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(C) and 22 TEX. ADMIN. CODE §217.12(1)(A) & (4).

CHARGE VI.

On or about June 30, 2009, while employed with Cedar Hills Geriatric Center, Camp Wood, Texas, Respondent removed a Fentanyl patch from the medication dispensing system for Patient B.G. in excess frequency of physician's orders to apply the patch every three (3) days. Additionally, the patch was never found on the patient. Respondent's conduct was likely to injure the patient in that the administration of Fentanyl patches in excess frequency of physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(C) and 22 TEX. ADMIN. CODE §217.12(1)(A) & (4).

CHARGE VII.

On or about June 30, 2009, while employed with Cedar Hills Geriatric Center, Camp Wood, Texas, Respondent falsely documented the administration of Fentanyl and Catapres patches in Patient B.G.'s medical records in that she did not actually administer the medications. Respondent's conduct was likely to injure the patients in that subsequent care givers would have inaccurate information on which to base their decisions to administer further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A), (4), (6)(A)(H) & (10)(B).

CHARGE VIII.

On or about June 16, 2009 through June 30, 2009, while employed with Cedar Hills Geriatric Center, Camp Wood, Texas, Respondent removed Fentanyl patches from the medication dispensing system for Patient B.G. but failed to follow facility policy and procedure in place for the proper wastage of the unused Fentanyl patches. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapters 481 (Controlled Substances Act) and 483 (Dangerous Drugs Act) of the Texas Health and Safety Code.

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

CHARGE IX.

On or about June 16, 2009 through June 30, 2009, while employed with Cedar Hills Geriatric Center, Camp Wood, Texas, Respondent misappropriated Fentanyl patches belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(G).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to 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 Section 301.461, Texas Occupations Code. 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 GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 25th day of June, 20 10.

TEXAS BOARD OF NURSING



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