BEFORE THE TEXAS BOARD OF NURSING

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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

In the Matter of Registered Nurse License Number 707977	§	AGREED
issued to CRYSTAL ANNE WESTCOTT	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of CRYSTAL ANNE WESTCOTT, Registered Nurse License Nu 707977, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 24, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the 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 an Associate Degree in Nursing from North Harris M. Community College, Houston, Texas, on May 8, 2004. Respondent was licensed to practice professional nursing in the State of Texas on July 22, 2004.

5. Respondent's professional nursing employment history includes:

07/04 - 09/05	RN	Northeast Hospital Humble, TX

Respondent's professional nursing employment history (continued):

12/05 - 06/07	RN	Houston Northwest Medical Center Houston, TX
07/07 - current	Unknown	

6. At the time of the initial incident, Respondent was employed as a with Registered Nurse with Houston Northwest Medical Center, Houston, Texas, and had been in this position for approximately one (1) year and seven (7) months.

7. On or about May 14, 2007, through June 2, 2007, while employed as a Registered Nurse with Houston Northwest Medical Center, Houston, Texas, Respondent withdrew narcotics from the Medication Dispensing System (Pyxis) for patients in excess frequency/dosage of physicians' orders, as follows:

Date	Patient Account Number	Physician's Order	Medication Dispensing System Record (Pyxis) Quantity and Time	Medication Administration Record (MAR)	Pain Flowsheet	Wastage
05/25/07	074035650	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 14:16	Not documented as administered	Not documented as administered	6mg
05/25/07	074035650	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 17:00	Not documented as administered	Not documented as administered	6mg
06/02/07	074097536	Meperidine HCL 50mg SOLN IV Q 4hrs PRN	(1) Demerol/ Meperidine Inj 50mg @ 09:25	Documented as administered @ 09:30	Not documented as administered	None
06/02/07	074097536	Meperidine HCL 50mg SOLN IV Q 4hrs PRN	(1) Demerol/ Meperidine Inj 50mg @ 12:31	Documented as administered @ 12:00	Not documented as administered	None
06/02/07	074098005	Darvocet N 100 1 Tab Q 6hrs	(1) Darvocet N - 100 Tab @ 09:57	Not documented as administered	"See MAR" & 09:50	None
06/02/07	074098005	Darvocet N 100 1 Tab Q 6hrs	(1) Darvocet N - 100 Tab @ 15:05	Documented as administered @ 15:59	Not documented as administered	None
06/02/07	074098005	Darvocet N 100 1 Tab Q 6hrs	(1) Darcovet N - 100 Tab @ 19:40	Documented as administered @ 19:04	Not documented as administered	None

Respondent's conduct was likely to injure the patient in that the administration of narcotics in excess frequency/dosage of the physicians' orders could result in the patient suffering from adverse reactions.

8. On or about May 14, 2007, through June 2, 2007, while employed as a Registered Nurse with Houston Northwest Medical Center, Houston, Texas, Respondent withdrew narcotics from the Medication Dispensing System (Pyxis) for patients, but failed to document, or accurately document the administration of the medications in the medical records for the patients, as follows:

Date	Patient Account Number	Physician's Order	Medication Dispensing System Record (Pyxis) Quantity and Time	Medication Administration Record (MAR)	Pain Flowsheet	Wastage
05/14/07	073899502	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 17:50	Not documented as administered	Not documented as administered	6mg
05/15/07	073899502	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 08:44	Not documented as administered	Not documented as administered	6mg
05/15/07	073981888	Vicodin 2 Tab PO Q 6hrs PRN moderate pain	(2) Vicodin 5/500 = Lortab 5/500 @ 15:20	Not documented as administered	Not documented as administered	None
05/15/07	073899502	Hydromorphone HCL 0.5mg IV Q 4hrs PRN	(1) Dilaudid/ Hydromorphone Inj 2mg @ 16:50	Documented as administered @ 18:11	Not documented as administered	1.5mg
05/24/07	074037060	Vicodin 1 Tab Q 6hrs PRN pain	(1) Vicodin 5/500 = Lortab 5/500 @ 15:41	Not documented as administered	Not documented as administered	None
05/25/07	074035650	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 09:04	Not documented as administered	Not documented as administered	6mg
05/25/07	074035650	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 14:16	Not documented as administered	Not documented as administered	6mg
05/25/07	074035650	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 17:00	Not documented as administered	Not documented as administered	6mg
06/02/07	074097536	Alprazolam 2 mg PO Twice a Day	(4) Alprazolam/ Xanax Tab 0.5mg @ 08:31	Documented as administered @ 10:09	"Narcotics" @ 08:00	None
06/02/07	074097536	Meperidine HCL 50mg SOLN IV Q 4hrs PRN	(1) Demerol/ Meperidine Inj 50mg @ 18:23	Not documented as administered	Not documented as administered	None

Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

9. On or about May 14, 2007, through June 2, 2007, while employed as a Registered Nurse with Houston Northwest Medical Center, Houston, Texas, Respondent withdrew narcotics from the Medication Dispensing System (Pyxis) for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications/narcotics, as follows:

Date	Patient Account Number	Physician's Order	Medication Dispensing System Record (Pyxis) Quantity and Time	Medication Administration Record (MAR)	Pain Flowsheet	Wastage
05/14/07	073899502	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 17:50	Not documented as administered	Not documented as administered	6mg
05/15/07	073899502	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 08:44	Not documented as administered	Not documented as administered	6mg
05/15/07	073981888	Vicodin 2 Tab PO Q 6hrs PRN moderate pain	(2) Vicodin 5/500 = Lortab 5/500 @ 15:20	Not documented as administered	Not documented as administered	None
05/24/07	074037060	Vicodin 1 Tab Q 6hrs PRN pain	(1) Vicodin 5/500 = Lortab 5/500 @ 15:41	Not documented as administered	Not documented as administered	None
05/25/07	074035650	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 09:04	Not documented as administered	Not documented as administered	6mg
05/25/07	074035650	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 14:16	Not documented as administered	Not documented as administered	6mg
05/25/07	074035650	Morphine Sulfate 4mg IV Q 4hrs PRN	(1) Morphine Inj 10mg/1ml @ 17:00	Not documented as administered	Not documented as administered	6mg
06/02/07	074097536	Meperidine HCL 50mg SOLN IV Q 4hrs PRN	(1) Demerol/ Meperidine Inj 50mg @ 18:23	Not documented as administered	Not documented as administered	None

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

10. On or about May 14, 2007, through June 2, 2007, while employed as a Registered Nurse with Houston Northwest Medical Center, Houston, Texas, Respondent misappropriated, or failed to take precaution to prevent the misappropriation of Morphine Sulfate, Vicodin, and Meperidine belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.

11. On or about April 8, 2007, while employed as a Registered Nurse with Houston Northwest Medical Center, Houston, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she was observed sleeping, was unresponsive, and slow to arouse. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

12. On or about June 13, 2007, while employed as a Registered Nurse with Houston Northwest Medical Center, Houston, Texas, Respondent engaged in the intemperate use of Cocaine and Marijuana (THC), in that she produced a specimen for a drug screen which resulted positive for Cocaine Metabolite, Benzoylecgonine, Marijuana (THC) Metabolite, and Carboxy - THC. Possession of Cocaine and Marijuana is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine and Marijuana 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.

13. 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.

14. Formal Charges were filed on March 11, 2010.

15. Formal Charges were mailed to Respondent on March 17, 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 violation of Section 301.452(b)(9),(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(D)(iv), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(5),(6)(G),(10)(A)&(C)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 707977, heretofore issued to CRYSTAL ANNE WESTCOTT, including revocation of Respondent's license to practice professional nursing in the State of Texas.

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ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and 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.

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, 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 that:

(1) RESPONDENT SHALL pay a monetary fine and monitoring fee in the amount of two hundred fifty ($250) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. 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.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) 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.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any,

and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* *http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulationson RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month.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 stipulation and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation.

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 and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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

Signed this 27 day of May, 2010.

Crystal A. Westcott, RN

CRYSTAL ANNE WESTCOTT, Respondent

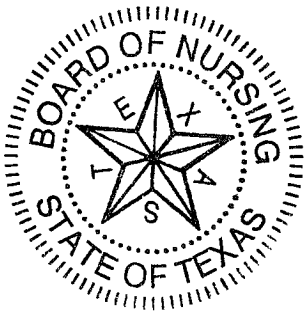
Sworn to and subscribed before me this 27th day of May, 2010.

SEAL

LESAN J MIHALOV
Notary Public
STATE OF TEXAS
My Comm. Exp. Aug. 5, 2010

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 27th day of May, 2010, by CRYSTAL ANNE WESTCOTT, Registered Nurse License Number 707977, and said Order is final.



Effective this 22nd day of July, 2010.

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