

Respondent's professional nursing employment history continued:

2009	RN	Nurse Finders San Antonio, Texas
04/2009 - 06/2009	RN	Peterson Regional Medical Center Kerrville, Texas
2009 - 2010	RN	Methodist Hospital San Antonio, Texas
2010	RN	US Renal Care Boerne, Texas

6. At the time of the incidents, Respondent was employed as a Registered Nurse with Peterson Regional Medical Center, Kerrville, Texas, and had been in this position for two (2) months.
7. On or about June 26, 2009, while employed as a Registered Nurse with Peterson Regional Medical Center, Kerrville, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof, or failed to take the appropriate precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications.
8. On or about June 26, 2009, while employed as a Registered Nurse with Peterson Regional Medical Center, Kerrville, Texas, Respondent engaged in the intemperate use of Demerol, in that she admitted that she had been using Demerol. Possession of Demerol, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Demerol 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.
9. On or about December 28, 2009, while employed as a Registered Nurse with Methodist Hospital, San Antonio, Texas, Respondent misappropriated Demerol belonging to 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.
10. On or about December 28, 2009, while employed as a Registered Nurse with Methodist Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of Demerol in that she admitted to a relapse. Possession of Demerol, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Demerol 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.

11. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent states, "The findings listed in the letter are true. I do not deny the listed events. After the first set of events, I enrolled in TPAPN , entered into inpatient treatment in Abilene. Several months later I was able to obtain a position with Methodist Hospital in San Antonio. My superiors were aware of my involvement in TPAPN and the restrictions on my practice. I was maintaining my meeting attendance and keeping up with a 12 step program. As requested, my access to controlled substances was restricted. However, at the end of my orientation period, my access was changed back. My nurse manager and several other charge nurses were notified on three different occasions, as I was acutely uncomfortable with the possibility that I might relapse. The problem was never fixed and the relapse occurred. I left the hospital after the first occurrence and did not engage in substance abuse beyond that. I got in contact with my TPAPN case manager, advocate, and was advised that I was eligible for a restart. I was willing but unable to obtain a State funded treatment bed through the local MHMR. Being uninsured and without funds to pay for treatment, I was advised that I would be referred to the Board. I have been able to obtain a position in nursing outside of the hospital environment and without exposure to narcotics. I am currently working at maintaining meeting attendance and communicating with a sponsor."
12. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
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. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Ten (10) was significantly influenced by Respondent's dependency on chemicals.
15. 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 violation of Section 301.452(b)(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(B)&(T) and 217.12(1)(A)&(E),(4),(5),(6)(G),(8),(10)(A),(D)&(E)&(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 742592, heretofore issued to AMANDA KAYE MARSHALL, including revocation of Respondent's license to practice 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):

(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 (\$500.00) 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 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 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 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 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.

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RESPONDENT'S CERTIFICATION

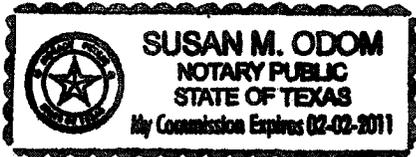
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 3rd day of May, 2010.

Amanda Kay Marshall
AMANDA KAYE MARSHALL, Respondent

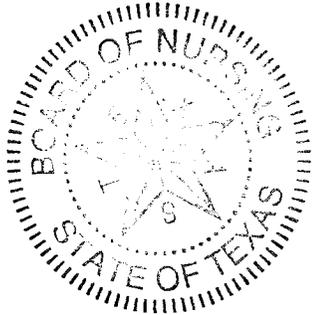
Sworn to and subscribed before me this 3rd day of May, 2010.

SEAL



[Signature]
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 3rd day of May, 2010, by AMANDA KAY MARSHALL, Registered Nurse License Number 742592, and said Order is final.



Entered and effective this 12th day of May, 2010.


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