BEFORE THE TEXAS BOARD OF NURSING

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| In the Matter of Registered Nurse | § | AGREED |
| License Number 692709 | § | |
| issued to JESSICA LYNNE REA | § | ORDER |

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

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of JESSICA LYNNE REA, Registered Nurse License Number 692709, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 18, 2010, 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 South Plains College, Levelland, Texas, on December 1, 2002. Respondent was licensed to practice professional nursing in the State of Texas on January 21, 2003.

5. Respondent's complete professional nursing employment history includes:

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| 01/03-01/05 | RN | University Medical Center<br>Lubbock, Texas |

Respondent's complete professional nursing employment history includes(continued):

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| 10/04-12/04 | RN | Lubbock Heart Hospital<br>Lubbock, Texas |
| 01/05-08/09 | RN | Baylor University Medical Center<br>Dallas, Texas |
| 03/08-08/09 | RN | Baylor Medical Center at Garland<br>Garland, Texas |
| 06/09-02/10 | RN | Presbyterian Hospital Rockwall<br>Rockwall, Texas |
| 08/09-10/09 | RN | Texas Regional Medical Center<br>Sunnyvale, Texas |
| 02/10-Present | RN | Grace Medical Center<br>Lubbock, Texas |

6. At the time of the incidents in Finding of Fact Numbers Seven (7) through Ten (10), Respondent was employed as a Registered Nurse with Texas Regional Medical Center at Sunnyvale, Sunnyvale, Texas, and had been in this position for approximately two (2) months.

7. On or about September 28, 2009, through October 21, 2009, while employed as a Registered Nurse with Texas Regional Medical Center at Sunnyvale, Sunnyvale, Texas, Respondent withdrew Morphine and Dilaudid from the Medication Dispensing System for patients in excess frequency/dosage of the physicians' orders. Respondent's conduct was likely to injure the patient in that the administration or Morphine and Dilaudid in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

8. On or about September 28, 2009, through October 21, 2009, while employed as a Registered Nurse with Texas Regional Medical Center at Sunnyvale, Sunnyvale, Texas, Respondent withdrew Morphine and Dilauded from the Medication Dispensing System 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 patient which could result in an overdose.

9. On or about September 28, 2009, through October 21, 2009, while employed as a Registered Nurse with Texas Regional Medical Center at Sunnyvale, Sunnyvale, Texas, Respondent withdrew Morphine and Dilaudid from the Medication Dispensing System for patients but failed the 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 September 28, 2009, through October 21, 2009, while employed as a Registered Nurse with Texas Regional Medical Center at Sunnyvale, Sunnyvale, Texas, Respondent misappropriated Morphine and Dilaudid from the facility or 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.

11. At the time of the incident in Finding of Fact Number Twelve (12), Respondent was employed as a Registered Nurse with Presbyterian Hospital Rockwall, Rockwall, Texas, and had been in this position for approximately four (4) months.

12. On or about December 21, 2009, while employed as a Registered Nurse with Presbyterian Hospital Rockwall, Rockwall, Texas, Respondent lacked fitness to practice nursing in that she showed signs of impaired behavior to include falling asleep, seeming disoriented, walking in a side to side manner, unable to comprehend questions, slurred speech, unable to keep her eyes open, unsteady and slow gait. Additionally, when confronted you immediately admitted to taking Klonopin and Lortab. Respondent's conduct 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.

13. At the time of the incidents in Finding of Facts Numbers Fourteen (14) and Fifteen (15), Respondent was employed as a Registered Nurse with Presbyterian Hospital Rockwall, Rockwall, Texas, and had been in this position for approximately seven (7) months.

14. On or about January 27, 2010, while employed as a Registered Nurse with Presbyterian Hospital, Rockwall, Texas, Respondent was observed by an employee of Baylor Health Care System, Garland, Texas, searching through a sharps container. Additionally, due to Respondent's termination from Baylor Healthcare System in September 2009, Respondent was issued a Criminal Trespass Warning that she acknowledged and signed. Respondent's conduct was likely to defraud the facility and patients of the cost of the contents of the sharps container.

15. On or about January 27, 2010, while employed as a Registered Nurse with Presbyterian Hospital, Rockwall, Texas, Respondent entered Baylor Medical Center at Garland-Rapid Medical Evaluation area, Garland, Texas, without authorization in order to misappropriate

a bottle of Fentanyl and syringe from the facility or patients thereof. Additionally, Respondent admitted to taking the Fentanyl from the sharps container in the Cath-Lab and dropping it in the Emergency Department. Respondent's conduct exposed patients to infectious pathogens from the used syringes contained in the Sharps container.

16. On or about February 18, 2010, Respondent via her Attorney stated to Staff of the Texas Board of Nursing that she does have a chemical dependency problem and expressed her desire to enter the Texas Peer Assistance Program for Nurses (TPAPN).

17. 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.

18. 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.

19. Respondent's conduct described in Findings of Fact Numbers Eight (8) through Thirteen (13) resulted from Respondent's dependency on chemicals.

20. 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)(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D) and 22 TEX. ADMIN. CODE§217.12(1)(A)&(B),(4),(5),(6)(A)&(G),(10)(B)&(C),(11)(B)&(13).

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 692709, heretofore issued to JESSICA LYNNE REA, 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):

RESPONDENT SHALL deliver the wallet-sized license issued to JESSICA LYNNE REA, 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 ($500.00) 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 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and multistate licensure 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 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 15 day of March, 2010.

JESSICA LYNNE REA, Respondent

Sworn to and subscribed before me this 15 day of March, 2010.

SEAL

TARA KENDRICK
Notary Public, State of Texas
My Commission Expires 02-25-2012

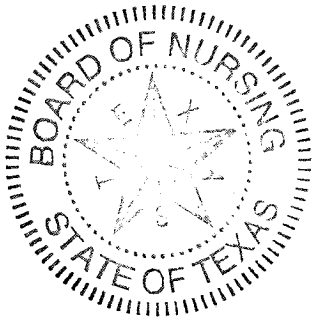
Notary Public in and for the State of Texas

Approved as to form and substance.

DEBORAH GOODALL, Attorney for Respondent

Signed this 17 day of March, 2010.

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 15th day of March, 2010, by JESSICA LYNNE REA, Registered Nurse License Number 692709, and said Order is final.

Entered and effective this 6th day of April, 2010.

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