BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse License Number 149911 issued to NORMA JEAN WEAVER	§ § §	AGREED 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 Boa considered the matter of NORMA JEAN WEAVER, Vocational Nurse License Number 149911, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(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 September 9, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Nursing from Paris Junior College, Paris, Texas, on August 17, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on October 18, 1994.

5. Respondent's vocational nursing employment history includes:

   10/1994 - 10/2002 Employment history unknown.

Respondent's vocational nursing employment history continued:

10/2002 - 04/2005	LVN	Fannin County Home Care Graham, Texas
01/2005 - 06/2005	LVN	Honey Grove Nursing Center Honey Grove, Texas
06/2005 - 04/2007	Not employed in Nursing.	
04/2007 - 08/2007	LVN	Leonard Manor Leonard, Texas
08/2007 - 10/2007	Not employed in Nursing.	
10/2007 - 02/2009	LVN	Mullican Care Center Savoy, Texas
02/2009 - Present	Employment history unknown.	

6. At the time of the incident, Respondent was employed as a licensed vocational nurse with Mullican Care Center, Savoy, Texas, and had been in this position for one (1) year and four (4) months.

7. On or about February 8, 2009, while employed as a registered nurse with Mullican Care Center, Savoy, Texas, Respondent was arrested by the Fannin County Sheriff's Department, Bonham, Texas, for POSSESSION OF A CONTROLLED SUBSTANCE PG 2>= 4G < 400G (a Second Degree Felony) and POSSESSION OF A CONTROLLED SUBSTANCE PG >= 28G < 200G (a Third Degree Felony).

8. On or about February 8, 2009, while employed as a registered nurse with Mullican Care Center, Savoy, Texas, Respondent withdrew Hydrocodone from the Medication Dispensing System for residents, but failed to document, or accurately document the administration of the medications in the residents' Medication Administration Records and/or nurse's notes, as follows:

Date	Patient	Order	Narc Log	MAR	Nurse's Notes	Waste
1/12/08	I.C.	None- Med discontinued 12/19/08	500mg Hydrocodone @ 0600	None	None	X
1/12/08	I.C.	None- Med discontinued 12/19/08	500mg Hydrocodone @ 1000	None	None	X

2/2/09	E.R.	Hydrocodone N/Acetaminophen 5/500mg 1-2 tabs PO Q4-6HPRN	Hydrocodone 5/500mg @ 0930	None	None	X
2/5/09	E.F.	Hydrocodone N/APAP 7.5/500mg PO Q4H PRN	Hydrocodone 7.5/500mg @ 1000	None	None	X
2/2/09	L.F.	Hydrocodone with Acet. 5/500mg 1 PO Q6H PRN Pain	500mg Hydrocodone @ 0730	Initialed J.	None	X
2/4/09	L.F.	Hydrocodone with Acet. 5/500mg 1 PO Q6H PRN Pain	500mg Hydrocodone @ 1345	Initialed J.	None	X
2/5/09	L.F.	Hydrocodone with Acet. 5/500mg 1 PO Q6H PRN Pain	500mg Hydrocodone @ 0700	Initialed J.	None	X

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.

9. On or about February 8, 2009, while employed as a registered nurse with Mullican Care Center, Savoy, Texas, Respondent withdrew Hydrocodone from the Medication Dispensing System for residents, but failed to follow the facility's policy and procedures for the wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive Mullican Care Center and placed them in violation of Chapter 481 of the Texas Health and safety Code (controlled Substances Act).

10. On or about February 8, 2009, while employed as a registered nurse with Mullican Care Center, Savoy, Texas, Respondent withdrew Hydrocodone from the Medication Dispensing System for residents without valid physician's orders. Respondent's conduct was likely to injure the patients, in that the administration of Hydrocodone , without a valid physician's order, could result in the patients experiencing adverse reactions.

11. On or about February 8, 2009, while employed as a registered nurse with Mullican Care Center, Savoy, Texas, Respondent misappropriated Valium, Xanax, Ativan, Hydrocodone, and Lidocane from Mullican Care Center and residents thereof, or failed to take the precautions to prevent such misappropriation. Possession of Valium, Xanax, Ativan, Hydrocodone and Lidocane , without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). Respondent's conduct was likely to defraud the facility and patients of the cost of medications.

12. In response to Findings of Fact Numbers Eight (8) through Ten (10), Respondent states: "while I was employed a Mullican Care Center for the period of October 2007 through February 2009, I had never been disciplines, verbally or written, for not charting, or mishandling any medications while employed at this location. I also was never counseled for medication pulled from the dispensing system without accurately documenting."

13. 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.

14. 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.

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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(C)&(D). and 22 TEX. ADMIN. CODE §217.12(4),(6)(G),(8),(10)(C),(E)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 149911, heretofore issued to NORMA JEAN WEAVER, 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 NORMA JEAN WEAVER, 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 three hundred fifty dollars ($350.00) 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of the offense as outlined in Finding of Fact Number Seven (7), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational nursing in the State of Texas.

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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. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6th day of October, 2009.

Norma Jean Weaver

NORMA JEAN WEAVER, Respondent

Sworn to and subscribed before me this 6 day of October, 2009.

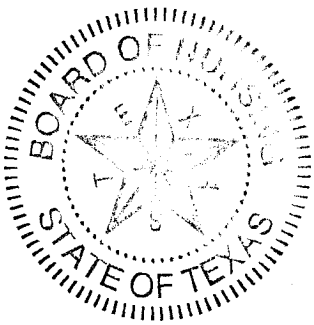
SEAL

LOUISE SANFORD
NOTARY PUBLIC
State of Texas
Comm. Exp. 01-13-2011

Louise Sanford

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 6th day of October, 2009, by NORMA JEAN WEAVER, Vocational Nurse License Number 149911, and said Order is final.



Entered and effective this 9th day of Ocotber, 2009.

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