

Respondent's vocational nursing employment history (continued):

10/04 - 04/05	Charge Nurse	Blue Bonnet Manor Karnes City, TX
08/05 - 11/06	LVN	Hacienda Oaks Nursing Home Beeville, TX
12/06 - Present	Unknown	

6. At the time of the incident referenced in Finding of Fact Number Nine (9), Respondent was employed as a Licensed Vocational Nurse with Hacienda Oaks Nursing Home, Beeville, Texas, and had been in this position for approximately one (1) year and two (2) months.
7. On or about March 14, 2005, Respondent entered a plea of Guilty and was subsequently Convicted of ISSUANCE OF A BAD CHECK (a Misdemeanor offense committed on September 20, 2003), filed in the County Court of Karnes County, Karnes City, Texas, under Cause No. 8850-04. As a result of the conviction, Respondent was ordered to pay a fine, restitution, and court costs.
8. On or about December 15, 2005, Respondent entered a plea of Guilty and was subsequently Convicted of the lesser included offense of ISSUANCE OF A WORTHLESS CHECK (a Misdemeanor offense committed on May 13, 2005), filed in the County Court of Karnes County, Karnes City, Texas, under Cause No. 9347-05. As a result of the conviction, Respondent was ordered to pay a fine, restitution, and court costs.
9. On or about October 12, 2006, while employed at as a Licensed Vocational Nurse with Hacienda Oaks Nursing Home, Beeville, Texas, Respondent telephonically passed an unauthorized prescription refill for forty (40) tablets of Caprisoprodol 325mg to Schulz & Wroten Pharmacy, Beeville, Texas, using the name of James M. Chandler, M.D., and the Drug Enforcement Agency (DEA) number assigned to Dr. Chandler. Respondent's conduct was likely to deceive the pharmacy and possession of Caprisoprodol through use of a unauthorized, fraudulent telephonically communicated prescription is prohibited by Chapters 481 (Controlled Substances Act) and 483 (Dangerous Drugs Act).
10. On or about January 18, 2007, Respondent entered a plea of Guilty and was subsequently Convicted of the lesser included offense of ISSUANCE OF A WORTHLESS CHECK (a Misdemeanor offense committed on April 5, 2005), filed in the County Court of Karnes County, Karnes City, Texas, under Cause No. 9879-06. As a result of the conviction, Respondent was ordered to pay a fine, restitution, and court costs.

11. On or about March 21, 2007, Respondent submitted her Texas Online Renewal Document for Licensed Vocational Nurses for the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information in that she answered "No" to the question:

Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This included expunged offenses and deferred adjudications with or without a finding of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed; therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes". You may answer "no" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form.

On or about October 12, 2006, Respondent was arrested by the Beeville Police Department, Beeville, Texas, for POSSESSION OF A CONTROLLED SUBSTANCE - PENALTY GROUP 1 <1 GRAM (a State Jail Felony offense) and FORGING/ALTERING A PRESCRIPTION (a Class B Misdemeanor offense).

On or about January 18, 2007, Respondent was Convicted of the lesser included offense of ISSUANCE OF A WORTHLESS CHECK (a Misdemeanor offense committed on April 5, 2005), filed in the County Court of Karnes County, Karnes City, Texas, under Cause No. 9879-06.

12. In response to Finding of Fact Number Eleven (11), Respondent states that she did not clearly understand the question. Additionally, Respondent states that she voluntarily entered a residential program and successfully completed it in ninety (90) days.
13. On or about February 24, 2007, Respondent was arrested by the Karnes County Sheriff's Office, Karnes City, Texas, for DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on February 24, 2007).

On or about May 30, 2007, Respondent entered a plea of Guilty to OBSTRUCT HIGHWAY PASSAGEWAY (a Misdemeanor offense committed on February 24, 2007) , filed in the County Court of Karnes County, Karnes City, Texas, under Cause No. 9985-07. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilty and Respondent was placed on community supervision for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine, restitution, and court costs.

14. 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.
15. Formal Charges were filed on February 12, 2009.
16. Formal Charges were mailed to Respondent on February 17, 2009.
17. 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)(2)&(10), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.12(6)(H)&(I),(10)(E),(11)(B)&(13).
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 185295, heretofore issued to PATRICIA LEE DECAS, 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 PATRICIA LEE DECAS, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL pay a monetary fine 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 not 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) contact 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 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.

(4) 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.

(5) 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.

(6) 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 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 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 (3) through Six (6) 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 19th day of MAY, 2008.

Patricia Lee Decas

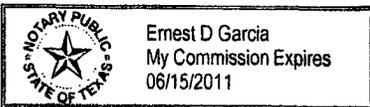
PATRICIA LEE DECAS, Respondent

Sworn to and subscribed before me this 19th day of MAY, 2008.

SEAL

Ernest D. Garcia

Notary Public in and for the State of 615.11



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 19th day of May, 2009, by PATRICIA LEE DECAS, Vocational Nurse License Number 185295, and said Order is final.



Entered and effective this 26th day of May, 2009.

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