



Respondent's professional nursing employment history continued:

07/2007 - 07/2008                      RN                      Plaza Medical Center  
Fort Worth, Texas

07/2008 - 11/2008                      RN                      Kindred Hospital Fort Worth  
Fort Worth, Texas

12/2008 - Present                      Employment history unknown

6. At the time of the incident, Respondent was employed as a Registered Nurse with Plaza Medical Center, Fort Worth, Texas, and had been in this position for eight (8) months.
7. On or about March 13, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent withdrew Norco and Vicodin from the Medication Dispensing System (Pyxis) for patients without valid physician's orders. Respondent's conduct was likely to injure the patients, in that the administration of Norco and Vicodin, without a valid physician's order, could result in the patients experiencing adverse reactions.
8. On or about February 19, 2008 through March 12, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent withdrew Norco and Vicodin from the Medication Dispensing System (Pyxis) 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 patients which could result in an overdose.

Date	Patient	Order	Narc log Time/ Med	MAR	Nurse's Notes	Waste
2/21/08	16272885	Hydrocodone/APAP 5/500 1 UDTAB PO PQ4H PRN	2 Vicodin 5/500 @ 1156	None	1130 Medicated with Vicodin	X
2/19/08	16272796	Hydrocodone/APAP 7.5/500 1-2 PO PQ4H PRN	2 Lortab 7.5/500 @ 0736	None	None	X
3/5/08	16295779	Hydrocodone/APAP 5/500 1 UDTAB PO PRN Q4H	1 Vicodin 5/500 @ 1628	None	None	X
3/12/08	16303996	Norco 10/325 1-2 PO Q4H PRN	2 Norco 10/325 @ 1117	None	None	X

3/4/08	16293302	None	2 Lortab 7.5/500 @ 1745	None	None	X
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9. On or about February 19, 2008, through March 12, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent withdrew Norco and Vicodin from the Medication Dispensing System (Pyxis) for patients, but failed to 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 February 19, 2008, through March 12, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent misappropriated Vicodin and Norco from 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.
11. On or about March 13, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent lacked fitness to practice professional nursing, in that her behavior was "flighty and erratic." 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, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.
12. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent states: "On March 13, 2008 I had taken 2 Vicodin (that a friend gave me) before I went to work. I had a bad backache. I was not in any way acting erratic or flighty. Later that afternoon I had taken Norco from the Pyxis for my three patients. Each time they would complain of pain I would get their med and they would have fallen asleep or denied pain. I worked in the Neuro ICU. I was at fault for not returning the medications to the Pyxis. The only drugs in my back pack were Advil, Maxide and Metoprol. I did not admit to any one that day that I had a drug problem. After I self reported to TPAPN I did realize how wrong I was to take a friend's prescription."
13. On or about March 13, 2008 while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent engaged in the intemperate use of Opiates, in that she produced a specimen for a drug screen which resulted positive for Opiates. Additionally, Respondent admitted to having a problem with drugs. Possession of Opiates, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Opiates 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.

14. On or about May 27, 2008, while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent engaged in the intemperate use of alcohol, in that she produced a specimen for a random drug screen by the Texas Peer Assistance Program for Nurses (TPAPN) which resulted positive for Alcohol. The use of Alcohol 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.
15. In response to Finding of Fact Number Fourteen (14), Respondent states: "My drug screen was positive for ETOH Metabolites, I had not had any ETOH that day. In fact, a few days before I had a few glasses of wine. It was at that time that Medical Plaza let me go."
16. On or about June 3, 2008, while employed as a Registered Nurse with Plaza Medical Center, Ft. Worth, Texas, Respondent engaged in the intemperate use of alcohol, in that she produced a specimen for a random drug screen by the Texas Peer Assistance Program for Nurses (TPAPN) which resulted positive for Alcohol. The use of Alcohol 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.
17. On or about September 17, 2008, while employed as a Registered Nurse with Kindred Hospital Ft. Worth, Texas, Respondent engaged in the intemperate use of Cocaine, in that she produced a specimen for a random drug screen by the Texas Peer Assistance Program for Nurses (TPAPN) which resulted positive for Cocaine. The use of Cocaine 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.
18. In response to Finding of Fact Number Seventeen (17), Respondent states: "In September I went on my first date since my divorce. The next day when I tested positive for Cocaine I was shocked. The only way that I could have gotten Cocaine in my system was second hand. We did a lot of kissing that evening and he did get up and leave the room a few times. Each time he came back there was a bitter taste in his mouth. Little did I know he was snorting cocaine. He has since confessed to me. I paid the pathologist to re-analyze my results. He said that I had a very small amount but believed that I could not get it second hand. I give you my word I did not ingest cocaine. At this time I am continuing my AA meetings, working the 12 steps and going to aftercare. I believe that God has made me go through this to realize my ETOH problem , and I was sloppy in my nursing care. If I can go to TPAPN I will not let you down and will practice nursing with the highest of standard."
19. 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.

20. 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.
21. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Eleven (11), and Thirteen (13), Fourteen (14), Sixteen (16), and Seventeen (17) resulted from Respondent's impairment by dependency on chemicals.
22. 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)(9),(10), (12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(B), (C),(D) &(T), and 22 TEX. ADMIN. CODE §217.12(1)(E),(4), (5),(6)(G),(10)(A),(C),(D)&(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 567545, heretofore issued to RUTH DUNN, including revocation of Respondent's license to practice professional 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 RUTH DUNN, 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) 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 his/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 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.

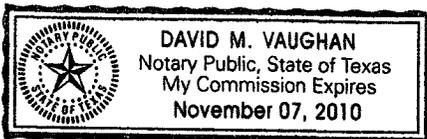
I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions 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 1 day of JUNE, 2009.

Ruth Dunn  
RUTH DUNN, Respondent

Sworn to and subscribed before me this 1<sup>st</sup> day of JUNE, 2009.

SEAL



David M. Vaughan

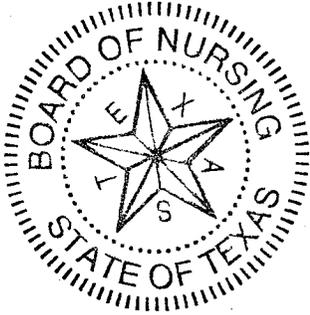
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Christopher Malish  
Christopher Malish, Attorney for Respondent

Signed this 3<sup>rd</sup> day of JUNE, 2009.

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 1<sup>st</sup> day of June, 2009, by RUTH DUNN, Registered Nurse License Number 657545, and said Order is final.



Entered and effective this 5th day of June 2009.

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