BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 643019	§	
issued to ANNELIESE AYERS	§	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 ANNELIESE AYERS, Registered Nurse License Number 643019, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(10),&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 10, 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 professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from North Harris Montgomery Community College, Houston, Texas, in May 1997. Respondent was licensed to practice professional nursing in the State of Texas on July 15, 1997.

5. Respondent's professional nursing employment history includes:

08/1997 - 04/1998	Staff Nurse/Pediatrics	Texas Children's Hospital Houston, Texas
04/1998 - 09/1998	Staff Nurse/Nursery	Houston Northwest Medical Center Houston, Texas

Respondent's professional nursing employment history continued:

10/1999 - 08/2000	Registered Nurse	Favorite Nurses Fort Worth, Texas
08/2000 - 09/2001	Supervisor/Staff Nurse	Healthsouth City View Rehabilitation Hospital, Fort Worth, Texas
10/2001 - 03/2003	Unknown	
04/2003 - 11/2005	Staff Nurse/Case Manager	Kindred Hospital of Chicago Northlake, Illinois
01/2005 - 06/2005	Agency RN	Parker Cromwell Healthcare LaGrange, Illinois
09/2005 - 05/2006	Agency RN	Maxim Staffing Solutions Oak Park, Illinois
05/2006 - 03/2007	Staff Nurse	Memorial Hermann Continuing Care Northwest, Houston, Texas
04/2007 - Present	Unknown	

6. On July 25, 2002, Respondent's license to practice professional nursing was issued a Warning with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated July 25, 2002, is attached and incorporated by reference as part of this Order.

7. At the time of the initial incident, Respondent was employed as a Staff Nurse with Memorial Hermann Continuing Care Northwest, Houston, Texas, and had been in this position for ten (10) months.

8. On or about March 15, 2007, while employed with Memorial Hermann Continuing Care Northwest, Houston, Texas, Respondent lacked fitness to practice professional nursing in that while on duty Respondent exhibited behavior, including but not limited to: slurred speech; difficulty making a sentence or finding the words to speak; no eye contact; and altered thought process. Staff reported that Respondent was impaired. Respondent refused to submit to a for-cause drug screen and was terminated from employment. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

9. On or about February 28, 2008, Respondent submitted an on-line license renewal to the Texas Board of Nursing and answered "No" to question number one (1) which reads as follows: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug?" On June 27, 2007, Respondent disclosed to Board staff that she completed a treatment program for chemical dependency and that her drug of choice was Lorcet. Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a current license.

10. In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent denies that she lacked fitness to practice and she states that she refused the drug screen on principal and in hindsight she regrets that she did not submit to one. She admits that she answered incorrectly on the renewal form she submitted to the Board, however she was not trying to deceive the Board. She was addicted to Lorcet and she went to Ben Taub's In-Sight Program for treatment of chemical dependency and also completed an out-patient treatment program at Career and Recovery, Inc., Houston, Texas.

11. 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.

12. 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.

13. Charges were filed on December 19, 2008.

14. Charges were mailed to Respondent on December 22, 2008.

15. Respondent's conduct described in Findings of Fact Numbers Eight (8) and Nine (9) was significantly influenced by Respondent's impairment by dependency on chemicals.

16. 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)(2),(10),&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A)(B)(E),(4),(5),(6)(H)(I),&(10)(A).

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 643019, heretofore issued to ANNELIESE AYERS, 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 ANNELIESE AYERS, 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 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 (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 22 day of April, 2009.

ANNELIESE AYERS, Respondent

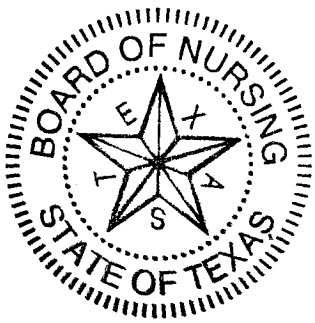
Sworn to and subscribed before me this 22 day of April, 2009.

SEAL

SHELLY ORLANDO
MY COMMISSION EXPIRES
March 25, 2012

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 22nd day of April, 2009, by ANNELIESE AYERS, Registered Nurse License Number 643019, and said Order is final.



Entered and effective this **27th** day of **April**, **2009**.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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In the Matter of License Number 643019	§	AGREED
issued to ANNELIESE AYERS	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of ANNELIESE AYERS, License Number 643019, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered March 22, 2002, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 conference, 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 North Harris Montgomery Community College, Houston, Texas, in May 1997. Respondent was licensed to practice professional nursing in the State of Texas on July 15, 1997.

5. Respondent's professional employment history includes:

08/1997 - 04/1998	Staff Nurse (Pediatric)	Texas Children's Hospital Houston, Texas
04/1998 - 09/1998	Staff Nurse (Nursery)	Houston Northwest Medical Center Houston, Texas
10/1999 - 08/2000	Registered Nurse (Agency)	Favorite Nurses Fort Worth, Texas
08/2000 - 09/2001	Supervisor/Staff Nurse	HealthSouth City View Rehabilitation Hospital Fort Worth, Texas

6. At the time of the incident, Respondent was employed as the Supervisor of HealthSouth City View Rehabilitation Hospital, Fort Worth, Texas, and had been in this position for ten (10) months.

7. On or about June 30, 2001, while employed at HealthSouth City View Rehabilitation Hospital in Fort Worth, Texas, Respondent failed to initiate cardiopulmonary resuscitation (CPR) when patient medical record # 702105351 was found unresponsive. Respondent's failure to initiate CPR eliminated any potential resuscitation of the patient.

8. On or about June 30, 2001, while employed at HealthSouth City View Rehabilitation Hospital in Fort Worth, Texas, Respondent failed to assign staff members to the "Code Team" prior to her work shift. Respondent's failure to make assignments resulted in staff confusion and a delay in beginning any resuscitation of the aforementioned patient.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(2) & (9).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 643019, heretofore issued to ANNELIESE AYERS, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to ANNELIESE AYERS, to the office of the Board of Nurse Examiners within ten (10) days from date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered 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, and documentation of care. 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional 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 violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 3 day of June, 2002.

ANNELIESE AYERS, Respondent

Sworn to and subscribed before me this 3rd day of June, 2002.

Notary Public in and for the State of Texas

SEAL
SANDY TRUETT
MY COMMISSION EXPIRES
March 10, 2004

Approved as to form ~~and substance.~~

ELIZABETH L. HIGGINBOTHAM, Attorney for Respondent

Signed this 3rd day of June, 2002.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of June, 2002, by ANNELIESE AYERS, License Number 643019, and said Order is final.

Effective this 25th day of July, 2002.

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