

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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse License §  
Number 669520 and Vocational Nurse § AGREED  
License Number 74706, issued to § ORDER  
DEBRA ANN OVERSHINE §

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DEBRA ANN OVERSHINE, Registered Nurse License Number 669520 and Vocational Nurse License Number 74706, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 301.452(b)(10) and 302.402(a)(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on January 18, 2007, 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 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 and holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from College of the Mainland, Texas City, Texas, in August 1977, and received an Associate Degree in Nursing from College of the Mainland, Texas City, Texas, in May 2000. Respondent was licensed to practice vocational nursing in the State of Texas on May 19, 1977 and was licensed to practice professional nursing in the State of Texas on June 27, 2000.

5. Respondent's professional and vocational nursing employment history includes:

08/77 - 06/04	GVN/LVN/RN Staff Nurse/Charge Nurse Emergency Department	Mainland Medical Center Texas City, Texas
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07/04 - Present      Unknown

6. At the time of the incident, Respondent was employed as a Charge Nurse in the Emergency Department with Mainland Medical Center, Texas City, Texas, and had been in this position for twenty-six (26) years and ten (10) months.
7. On or about April 15, 2001, through June 8, 2004, while employed with Mainland Medical Center, Texas City, Texas, Respondent passed two hundred and two (202) unauthorized prescriptions for dangerous drugs and controlled substances, including Hydrocodone and Vicoprofen at Walgreens Pharmacy, La Marque, Texas, Eckerd Drug (CVS Pharmacy), Texas City, Texas, Kroger Pharmacy, Texas City, Texas, and K-Mart Pharmacy, Texas City, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of controlled substances, including Hydrocodone, Vicoprofen, and HC-Ibuprofen, and through use of unauthorized prescriptions is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act), and possession of dangerous drugs through use of unauthorized prescription is prohibited by Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act).
8. On October 18, 2006, Respondent plead Nolo Contendere to the offense of "Possession of a Controlled Substance PG3<28G" a class A Misdemeanor, in the County Court of Law No. 3 of Galveston County, Texas, cause number 261279. Respondent was issued a Deferred Adjudication Order and placed on community supervision for a period of twenty-four (24) months.
9. On October 18, 2006, Respondent plead Nolo Contendere to the offense of "Insurance Fraud" a class A Misdemeanor, in the County Court of Law No. 3 of Galveston County, Texas, cause number 241245. Respondent was issued a Deferred Adjudication Order and placed on community supervision for a period of twenty-four (24) months.
10. 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.
11. 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.
12. Charges were filed on February 10, 2006.
13. Charges were mailed to Respondent on February 13, 2006.

14. Respondent's conduct described in Finding of Fact Number Seven (7) resulted from Respondent's impairment by dependency on chemicals.
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 violations of Sections 301.452(b)(10) & 302.402(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) & (21), and 22 TEX. ADMIN. CODE §239.11(5) & (28).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 669520 and Vocational Nurse License Number 74706, heretofore issued to DEBRA ANN OVERSHINE, including revocation of Respondent's licenses 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, 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 contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to 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 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 privileges 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, 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 violation 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 Board of Nurse Examiners, 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 27<sup>th</sup> day of July, 2007.

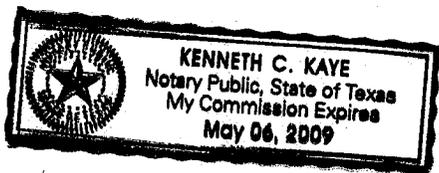
*Debra Ann Overshine*

DEBRA ANN OVERSHINE, Respondent

Sworn to and subscribed before me this 27<sup>th</sup> day of July, 2007.

SEAL

*[Signature]*  
Notary Public in and for the State of Texas



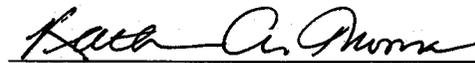
*[Signature]*  
Approved as to form <sup>xx DO</sup> and ~~substance~~ <sub>only</sub>.

*[Signature]*  
Kenneth C. Kaye, Attorney for Respondent

Signed this 27<sup>th</sup> day of July, 2007.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 27<sup>th</sup> day of July, 2007, by DEBRA ANN OVESHINE, Registered Nurse License Number 669520 and Vocational Nurse License Number 74706, and said Order is final.

Entered and effective this 31<sup>st</sup> day of July, 2007.



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