

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Vocational Nurse License Number 186856 § AGREED  
issued to JERRI DAWN HELLUMS § ORDER



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

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JERRI DAWN HELLUMS, Vocational Nurse License Number 186856, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on May 3, 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 representation by counsel, informal conference, 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 Vocational Nursing from Victoria College, Victoria, Texas, on August 9, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on November 14, 2002.
5. Respondent's vocational nursing employment history includes:

11/02-12/02	Unknown	
1/03-6/03	Charge Nurse	Cartwheel Lodge Luling, Texas

Respondent's vocational nursing employment history continued:

6/03-11/03	LVN	Advanced Health Services Seguin, Texas
12/03-9/05	LVN	Chisolm Trail Nursing and Rehabilitation Lockhart, Texas
10/05-Present	Unknown	

6. At the time of the incidents, Respondent was employed as a vocational nurse with Chisolm Trail Nursing and Rehabilitation, Lockhart, Texas, and had been in this position for approximately one (1) year and six (6) months.
7. During May 2005, while employed as a Licensed Vocational Nurse at Chisolm Trail Nursing and Rehabilitation, Lockhart, Texas, Respondent misappropriated Effexor/Hexlafaxine HCL and Gentamicin vials and syringes belonging to the facility and patients thereof in that Respondent admitted to the misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. In response to Finding of Fact Number Seven (7), Respondent states, in part: "I was prescribed effexor by my primary care physician during these times to help control my anxiety and was unable to afford to purchase this medicine after my free samples given by my physician were used...Due to bad judgement on my part I noted some dis-continued effexor at the nursing home in the med box of to-be-destroyed items and did take [the medication] for personal use so that I could continue to work without having to call in due to anxiety. The patient no longer used this medicine but I know what I did was wrong and for this I am deeply sorry and will never do it again...Shortly after taking this medicine... my anxiety subsided and I no longer needed medicine to control it. I then destroyed the remainder of the medication. As for the Gentamycin it was also in the to-be-destroyed box. I did have it in my possession. I never used it, I don't have a reason of why I took it other than possibly for future sickness that I could not afford to go to the doctor for. It is no longer in my possession and was never used. From my understanding it was found and destroyed...."
9. In 2005, Respondent engaged in the unlawful use of cocaine in that she admitted to the use of cocaine. Possession of cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of cocaine by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. In response to Finding of Fact Number Nine (9), Respondent states: "As for the cocaine use, there was a time last year when I occasionally used (not while working)...I do not have a dependency for any illegal or prescribed drugs. I removed myself from those situations involving anything to jeopardize my license as a nurse, myself and children."
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. Respondent's conduct described in the preceding Findings of Fact resulted from Respondent's dependency on chemicals.
14. 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)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G)&(10)(A).
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 186856, heretofore issued to JERRI DAWN HELLUMS, including revocation of Respondent's license to practice vocational 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 JERRI DAWN HELLUMS, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(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 three hundred fifty dollars (\$350) 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 §211.1 *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 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 vocational 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 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 license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4<sup>th</sup> day of June, 2007.

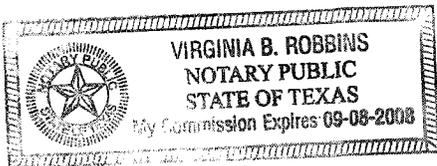
JERRI DAWN HELLUMS  
JERRI DAWN HELLUMS, Respondent

Sworn to and subscribed before me this 4<sup>th</sup> day of June, 2007.

SEAL

Virginia B. Robbins

Notary Public in and for the State of Texas



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 4th day of June, 2007, by JERRI DAWN HELLUMS, Vocational Nurse License Number 186856, and said Order is final.

Entered and effective this 5<sup>th</sup> day of June, 2007.



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