



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 TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 637790 § AGREED
issued to CHERRY TOLLESON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of CHERRY TOLLESON, Registered Nurse License Number 637790, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10), &(13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on December 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 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 Tarrant County Junior College, Fort Worth, Texas, on December 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on February 11, 1997.
5. Respondent's professional nursing employment history includes:

02/97 - 03/04	RN	Methodist Medical Center Dallas, Texas
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Respondent's professional nursing employment history continued:

04/04 - 06/06	RN	Richardson Regional Medical Center Richardson, Texas
07/06 - 05/07	Unknown	
06/07- 10/07	RN	Centennial Medical Center Frisco, Texas
11/07 - Present	Unknown	

6. At the time of the incidents, Respondent was employed as a Registered Nurse with Richardson Regional Medical Center, Richardson, Texas, and had been in this position for approximately two (2) years, two (2) months.
7. On or about June 2006, while employed with Richardson Regional Medical Center, Richardson, Texas, Respondent engaged in the intemperate use of Butalbital, in that Respondent produced a specimen for a drug/alcohol screen that resulted positive for Butalbital. The use of Butalbital by a Registered 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.
8. On or about June 2006, while employed with Richardson Regional Medical Center, Richardson, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System for patients that were not assigned to her care and failed to follow the facility's policy and procedures for the wastage of the Dilaudid. 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).
9. On or about June 2006, while employed with Richardson Regional Medical Center, Richardson, Texas, Respondent misappropriated Dilaudid belonging to the facility and patients thereof, or failed to take the necessary precautions to prevent the misappropriation of Dilaudid. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
10. On or about September 18, 2007, through October 4, 2007, while employed with Centennial Medical Center, Frisco, Texas, Respondent withdrew Dilaudid and Morphine from the Medication Dispensing System (Pyxis) for patients, but failed to completely and accurately document the administration of the medication in the patients' Medication Administration

Records (MARs), Nurses Notes, or both. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

11. On or about September 18, 2007, through October 4, 2007, while employed with Centennial Medical Center, Frisco, Texas, Respondent withdrew Dilaudid and Morphine from the Medication Dispensing System (Pyxis) for patients, but failed to follow the policy and procedure for the wastage of the medications, in that Respondent admits that she took the wastage of patients' narcotics and used the narcotics for personal use. 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).
12. On or about September 18, 2007, through October 4, 2007, while employed with Centennial Medical Center, Frisco, Texas, Respondent misappropriated Dilaudid and Morphine belonging to the facility and patients thereof, in that Respondent admits to the misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
13. 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.
14. 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.
15. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Twelve (12) was significantly influenced by Respondent's 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)(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B)(D) and §217.12(4),(6)(G),(8),(10)(A)(C)(D)(E)& (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 637790, heretofore issued to CHERRY TOLLESON, 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 CHERRY TOLLESON, to the office of the Texas Board of Nursing 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 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 Texas Board of Nursing.

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing 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 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 ineligible 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 11 day of March, 2008.

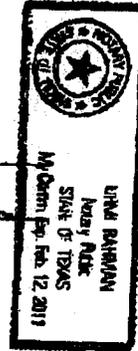
Cherry Tolleson
CHERRY TOLLESON, Respondent

Sworn to and subscribed before me this 12 day of March, 2008.

SEAL

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

Approved as to form and substance.



Adrienne B. Willson
ADRIENNE B. WILLSON, Attorney for Respondent

Signed this 18th day of March, 2008

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 11th day of March, 2008, by CHERRY TOLLESON, Registered Nurse License Number 637790, and said Order is final.

Entered and effective this 19th day of March, 2008.


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