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*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse § AGREED  
License Number 722574 and Vocational §  
Nurse License Number 179370 §  
issued to LUCILLE ANNA MARIE SANTOS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LUCILLE ANNA MARIE SANTOS, Registered Nurse License Number 722574 and Vocational Nurse License Number 179370, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 20, 2008, 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 professional nursing in the State of Texas, and holds a license to practice vocational nursing in the State of Texas which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from San Jacinto College South, Houston, Texas, on December 13, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on February 15, 2001. Respondent received an Associate Degree in Nursing from San Jacinto College South, Houston, Texas, on August 5, 2005. Respondent was licensed to practice professional nursing in the State of Texas on December 22, 2005.

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

02/01 - 03/05	LVN	Mainland Medical Center Texas City, Texas
04/05 - 05/05	unknown	
06/05 - 12/05	LVN	Triumph Hospital Clear Lake Webster, Texas
01/06 - present	unknown	

6. On or about January 25, 2005 through March 7, 2005, while employed at Mainland Medical Center, Texas City, Texas, Respondent withdrew medications from the Acudose Medication Dispensing System for patients, but failed to accurately and completely document the administration of this medication in the patients' Medication Administration Record (MAR) and/or Nurses Notes, as follows:

Date	Patient MR#	Physician's Order	Medication Dispensing System Record (Acudose) Time and Quantity	Medication Administration Record	Nurses Notes
1-25-05	205500	Tylox 1 cap po Q 4 hrs PRN	Oxycodone/Acetaminophen 5-500 mg capsule 0302 (1)	No Entry	No Entry
1-25-05	205500	Tylox 1 cap po Q 4 hrs PRN	Oxycodone/Acetaminophen 5-500 mg capsule 2217 (1)	No Entry	No Entry
2-11-05	229607	Demerol 12.5 mg IV Q 2 hrs PRN	Meperidine HCL 25mg 0723 (1)	No Entry	No Entry
2-13-05	392213	Lortab 7 500 1tab po Q 4 hrs PRN	Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 0915 (1)	No Entry	No Entry
2-13-05	392213	Lortab 7 500 1 tab po Q 4 hrs PRN	Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 1506 (1)	No Entry	No Entry
2-13-05	392213	Lortab 7 500 1 tab po Q 4 hrs PRN	Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 1711 (1)	No Entry	No Entry
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0210 (2)	No Entry	No Entry
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0836 (1)	No Entry	No Entry
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1233 (2)	No Entry	No Entry

2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1314 (1)	No Entry	No Entry
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1315 (1)	No Entry	No Entry
2-26-05	197164	Ativan 0.25mg po 2x daily	Lorazepam 0.5 mg udtab 0803 (1)	No Entry	No Entry
3-7-05	395024	Demerol 100mg IM q 3hrs PRN pain	Meperidine HCL 100mg 1046 (1)	No Entry	No Entry
3-7-05	395024	Demerol 100mg IM q 3hrs PRN pain	Meperidine HCL 100mg 1316 (1)	No Entry	No Entry
3-7-05	395024	Demerol 100mg IM q 3hrs PRN pain	Meperidine HCL 100mg 1948 (1)	No Entry	No Entry

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.

7. On or about February 21, 2005, while employed at Mainland Medical Center, Texas City, Texas, Respondent withdrew Norco from the Acudose Medication Dispensing System for Patient Medical Record Number 354236 without a valid physician's order, as follows:

Date	Patient MR#	Physician's Order	Medication Dispensing System Record (Acudose) Time and Quantity	Medication Administration Record	Nurses Notes
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0210 (2)	No Entry	No Entry
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0836 (1)	No Entry	No Entry
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1233 (2)	No Entry	No Entry
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1314 (1)	No Entry	No Entry
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1315 (1)	No Entry	No Entry

Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that the administration of Norco without a physician's order could result in the patient suffering from adverse reactions.

8. On or about January 21, 2005 through March 7, 2005, while employed at Mainland Medical Center, Texas City, Texas, Respondent withdrew medications from the Acudose Pyxis Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Patient MR#	Physician's Order	Medication Dispensing System Record (Acudose) Time and Quantity	Medication Administration Record	Wastage
1-19-05	372624	Meperidine HCL 75mg IV q 4 hrs PRN	Meperidine 50mg 2126 (2)	Meperidine 75mg 2059 (1)	Not Documented
1-25-05	205500	Tylox 1 cap po Q 4 hrs PRN	Oxycodone/Acetaminophen 5-500 mg capsule 0302 (1)	No Entry	Not Documented
1-25-05	205500	Tylox 1 cap po Q 4 hrs PRN	Oxycodone/Acetaminophen 5-500 mg capsule 2217 (1)	No Entry	Not Documented
2-11-05	229607	Demerol 12.5 mg IV Q 2 hrs PRN	Meperidine HCL 25mg 0723 (1)	No Entry	Not Documented
2-13-05	392213	Lortab 7 500 1 tab po Q 4 hrs PRN	Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 0915 (1)	No Entry	Not Documented
2-13-05	392213	Lortab 7 500 1 tab po Q 4 hrs PRN	Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 1506 (1)	No Entry	Not Documented
2-13-05	392213	Lortab 7 500 1 tab po Q 4 hrs PRN	Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 1711 (1)	No Entry	Not Documented
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0210 (2)	No Entry	Not Documented
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0836 (1)	No Entry	Not Documented
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1233 (2)	No Entry	Not Documented
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1314 (1)	No Entry	Not Documented
2-21-05	354236	No Order	Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1315 (1)	No Entry	Not Documented
2-26-05	197164	Ativan 0.25mg po 2x daily	Lorazepam 0.5 mg udtab 0803 (1)	No Entry	Not Documented
2-26-05	197164	Ativan 0.25mg po 2x daily	Lorazepam 0.5 mg udtab 0811 (1)	Ativan 0.25mg 0833 (1)	Not Documented
3-7-05	395024	Demerol 100mg IM q 3hrs PRN pain	Meperidine HCL 100mg 1046 (1)	No Entry	Not Documented
3-7-05	395024	Demerol 100mg IM q 3hrs PRN pain	Meperidine HCL 100mg 1316 (1)	No Entry	Not Documented
3-7-05	395024	Demerol 100mg IM q 3hrs PRN pain	Meperidine HCL 100mg 1948 (1)	No Entry	Not Documented

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 November 30, 2005 to December 1, 2005, while employed at Triumph Hospital Clear Lake, Webster, Texas, Respondent withdrew medications from the Medication Dispensing System for patients, but failed to accurately and completely document the administration of this medication in the patients' Medication Administration Record and/or Nurses Notes, as follows:

Date	Patient MR#	Physician's Order	Medication Dispensing System Record Time and Quantity	Medication Administration Record	Nurses Notes
11-30-05	537	No Order	Xanax 0.5mg 2000 (1)	No Entry	No Entry
11-30-05	319	No Order	Ambien 10mg 2030 (1)	No Entry	No Entry
11-30-05	537	No Order	Ambien 5mg 2200 (1)	No Entry	No Entry
11-30-05	Non-Existent Patient	No Order	Demerol 50mg 2200 (1)	No Entry	No Entry
11-30-05	Non-Existent Patient	No Order	Demerol 25mg 2200 (1)	No Entry	No Entry
11-30-05	531	Ambien 5mg po q hs prn for insomnia	Ambien 5 mg 2245 (1)	No Entry	No Entry
11-30-05	319	No Order	Norco 5 2335 (2)	No Entry	No Entry
12-1-05	Non-Existent Patient	No Order	Demerol 25mg 0100 (1)	No Entry	No Entry
12-1-05	Non-Existent Patient	No Order	Demerol 50mg 0200 (1)	No Entry	No Entry
12-1-05	319	No Order	Norco 5 0315 (2)	No Entry	No Entry
12-1-05	537	No Order	Xanax 0.5mg 0330 (1)	No Entry	No Entry
12-1-05	472	No Order	Demerol 25mg 0400 (1)	No Entry	No Entry
12-1-05	472	No Order	Demerol 25mg 0700 (1)	No Entry	No Entry

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.

10. On or about November 30, 2005 to December 1, 2005, while employed at Triumph Hospital Clear Lake, Webster, Texas, Respondent withdrew medications from the Medication Dispensing System for patients without a valid physician's order, as follows:

Date	Patient MR#	Physician's Order	Medication Dispensing System Record Time and Quantity	Medication Administration Record	Nurses Notes
11-30-05	537	No Order	Xanax 0.5mg 2000 (1)	No Entry	No Entry
11-30-05	319	No Order	Ambien 10mg 2030 (1)	No Entry	No Entry
11-30-05	537	No Order	Ambien 5mg 2200 (1)	No Entry	No Entry
11-30-05	Non-Existent Patient	No Order	Demerol 50mg 2200 (1)	No Entry	No Entry
11-30-05	Non-Existent Patient	No Order	Demerol 25mg 2200 (1)	No Entry	No Entry
11-30-05	319	No Order	Norco 5 2335 (2)	No Entry	No Entry
12-1-05	Non-Existent Patient	No Order	Demerol 25mg 0100 (1)	No Entry	No Entry
12-1-05	Non-Existent Patient	No Order	Demerol 50mg 0200 (1)	No Entry	No Entry
12-1-05	319	No Order	Norco 5 0315 (2)	No Entry	No Entry
12-1-05	537	No Order	Xanax 0.5mg 0330 (1)	No Entry	No Entry
12-1-05	472	No Order	Demerol 25mg 0400 (1)	No Entry	No Entry
12-1-05	472	No Order	Demerol 25mg 0700 (1)	No Entry	No Entry

Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that the administration of medications without a physician's order could result in the patient suffering from adverse reactions.

11. On or about November 30, 2005 to December 1, 2005, while employed at Triumph Hospital Clear Lake, Webster, Texas, Respondent withdrew medications from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Patient MR#	Physician's Order	Medication Dispensing System Record (Acudose) Time and Quantity	Medication Administration Record	Wastage
11-30-05	537	No Order	Xanax 0.5mg 2000 (1)	No Entry	Not Documented
11-30-05	319	No Order	Ambien 10mg 2030 (1)	No Entry	Not Documented
11-30-05	537	No Order	Ambien 5mg 2200 (1)	No Entry	Not Documented

11-30-05	Non-Existent Patient	No Order	Demerol 50mg 2200 (1)	No Entry	Not Documented
11-30-05	Non-Existent Patient	No Order	Demerol 25mg 2200 (1)	No Entry	Not Documented
11-30-05	531	Ambien 5mg po q hs prn for insomnia	Ambien 5 mg 2245 (1)	No Entry	Not Documented
11-30-05	491	Acetaminophen/ Hydrocodone po 1-2 tabs q 6 hrs	Norco 10 2300 (2)	10mg 2300 (1)	Not Documented
11-30-05	319	No Order	Norco 5 2335 (2)	No Entry	Not Documented
12-1-05	Non-Existent Patient	No Order	Demerol 25mg 0100 (1)	No Entry	Not Documented
12-1-05	Non-Existent Patient	No Order	Demerol 50mg 0200 (1)	No Entry	Not Documented
12-1-05	319	No Order	Norco 5 0315 (2)	No Entry	Not Documented
12-1-05	537	No Order	Xanax 0.5mg 0330 (1)	No Entry	Not Documented
12-1-05	472	No Order	Demerol 25mg 0400 (1)	No Entry	Not Documented
12-1-05	472	No Order	Demerol 25mg 0700 (1)	No Entry	Not Documented

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 June 18, 2008, while employed with Park Plaza Hospital and Medical Center, Houston, Texas, Respondent admitted to removing medications from the pyxis medication dispensing system for patients without a valid physician's order.
13. On or about June 18, 2008, while employed with Park Plaza Hospital and Medical Center, Houston, Texas, Respondent admitted to removing medications from the pyxis medication dispensing system for patient, but failed to accurately and completely document its administration in the patient's medication administration record and/or nurses notes. Additionally, Respondent failed to document wastage of the unused portions of the medications.
14. 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.
15. The Board finds that there exists serious risk to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
16. On or about June 20, 2008, Respondent stated to the Board that she has a substance abuse problem and wants to participate in the Texas Peer Assistance Program for Nurses (TPAPN).

17. Respondent's conduct described in Finding of Fact Numbers Six (6) to Thirteen (13) was significantly influenced by Respondent's impairment by dependency on chemicals.
18. 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)(C)(D) and 217.12(1)(B),(4),(10)(B)(C)&(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 722574 and Vocational Nurse License Number 179370, heretofore issued to LUCILLE ANNA MARIE SANTOS, including revocation of Respondent's licenses to practice professional and 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 licenses issued to LUCILLE ANNA MARIE SANTOS, 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 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 licenses are 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.

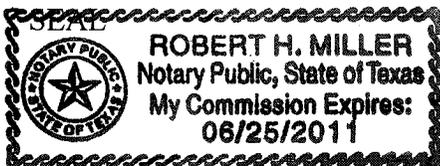
RESPONDENT'S CERTIFICATION

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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29<sup>th</sup> day of JULY, 2008.

Lucille Anna Marie Santos  
LUCILLE ANNA MARIE SANTOS, Respondent

Sworn to and subscribed before me this 29<sup>th</sup> day of JULY, 2008.



Robert H. Miller  
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 29th day of July, 2008, by LUCILLE ANNA MARIE SANTOS, Registered Nurse License Number 722574, Vocational Nurse License Number 179370, and said Order is final.

Entered and effective this 11th day of August, 2008.

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