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Katherine A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 669554 § AGREED
issued to DEBRA A. SHAMBLEE § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter refer to as the Board, considered the matter of DEBRA A. SHAMBLEE, License Number 6695 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 September 25, 2002, 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.
4. Respondent received an Associate Degree in Nursing from Angelina College, Lufkin, Texas, in May 2000. Respondent was licensed to practice professional nursing in the State of Texas on June 27, 2000.
5. Respondent's professional employment history includes:

January 7, 2001 to July 5, 2002	Staff Nurse/ICU Memorial Health System of East Texas Livingston, Texas
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July 6, 2002 to Present	Not Employed in Nursing
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6. At the time of the incidents, Respondent was employed as a Staff Nurse in the Intensive Care Unit with Memorial Health System of East Texas, Livingston, Texas, and had been in this position for one (1) year and six (6) months.
7. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, withdrew Demerol and Morphine from the pyxis for patients but failed to document the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurses Notes, as follows:

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR	Nurses Notes
6/6/02 @ 0940	1003316	Morphine 3-5mg IVP Q 2 hours PRN	Morphine 10mg	2 mg @ 0800	No
6/6/02 @ 1154	same	same	Morphine 10mg	No	2mg @1100
6/6/02 @ 1754	same	same	Morphine 10mg	No	No
6/6/02 @ 1825	same	same	Morphine 10mg	2mg @ 1830 5mg @ 2100 3mg @ 0145 2mg @ 0500	2mg @1830
6/11/02 @ 1002	1032767	Demerol 25mg IV Q 4 hours PRN pain	Demerol 25mg	No	No
6/11/02 @ 1145	same	same	Demerol 25mg	No	No
6/11/02 @ 0913	1002796	Morphine 4mg on hold	Morphine 10mg	No	No
6/11/02 @ 1341	same	same	Morphine 10mg	No	No
6/11/02 @ 1401	same	Morphine 2mg Q 2 hours PRN pain	Morphine 10mg	1400	No
6/11/02 @ 1746	same	same	Morphine 10mg	No	No
6/12/02 @ 0937	same	same	Morphine 10mg	No	0900
6/12/02 @ 1054	same	same	Morphine 10mg	1115	No
6/13/02 @ 0755	same	same	Morphine 10mg	No	No
6/13/02 @ 1005	same	same	Morphine 10mg	No	0900
6/23/02 @ 1228	1035003	Demerol 25mg IV Q 1 hour PRN if Darvocet not effective	Demerol 25mg	No	No
6/23/02 @ 1410	same	same	Demerol 25mg	1400	No
6/23/02 @ 1545	same	same	Demerol 25mg	No	No

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR	Nurses Notes
6/23/02 @ 1629	1035003	Demerol 25mg IV Q 1 hour PRN if Darvocet not effective	Demerol 25mg	No	No
6/23/02 @ 1739	same	same	Demerol 25mg	No	No
6/24/02 @ 0732	same	same	Demerol 25mg	No	No
6/24/02 @ 0810	same	same	Demerol 25mg	No	0800
6/24/02 @ 0937	same	same	Demerol 25mg	No	No
6/24/02 @ 1211	same	same	Demerol 25mg	No	No
6/24/02 @ 1350	same	same	Demerol 25mg	No	No
6/24/02 @ 1442	same	same	Demerol 25mg	No	No
6/24/02 @ 1528	same	same	Demerol 25mg	1500	No
6/24/02 @ 1603	same	same	Demerol 25mg	1600	No
6/28/02 @ 0818	1019605	Demerol 25mg IV Q 4 hours PRN pain	Demerol 25mg	No	No
6/28/02 @ 0943	same	same	Demerol 25mg	No	No
6/28/02 @ 1218	same	same	Demerol 25mg	No	No
6/28/02 @ 1628	same	same	Demerol 25mg	No	No
6/28/02 @ 1408	1017786	Demerol 50mg IV Q 4 hours	Demerol 25mg	No	No
6/28/02 @ 1537	same	same	Demerol 25mg	No	No
6/28/02 @ 1727	same	same	Demerol 25mg	No	No
6/29/02 @ 1555	1035886	Morphine 2mg IV Q 4 hours PRN pain	Morphine 10mg	No	No
6/29/02 @ 1857	same	same	Morphine 10mg	No	No
6/30/02 @ 1509	same	same	Morphine 10mg	2mg @ 1400	No
7/3/02 @ 0807	1036356	Morphine 2mg IV Q 3-4 hours PRN	Morphine 10mg	No	No
7/3/02 @ 1314	same	same	Morphine 10mg	No	No
7/3/02 @ 1718	same	same	Morphine 10mg	No	No
7/3/02 @ 1828	same	same	Morphine 10mg	No	No

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR	Nurses Notes
7/4/02 @ 0813	1012544	Morphine Sulfate 2mg IV Q 4 hours PRN pain	Morphine 10mg	No	No
7/4/02 @ 1802	same	same	Morphine 10mg	1800	No

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation while medicating the patients which and could result in overdose.

8. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, withdrew Demerol and Morphine from the pyxis for patients which was in excess frequency of the physician's order, as follows:

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR	Nurses Notes
6/6/02 @1754	1003316	Morphine 3-5mg IVP Q 2 hours PRN	Morphine 10mg	No	No
6/6/02 @ 1825	same	same	Morphine 10mg	2mg @ 1830 5mg @ 2100 3mg @ 0145 2mg @ 0500	2mg @1830
6/11/02 @ 1002	1032767	Demerol 25mg IV Q 4 hours PRN pain	Demerol 25mg	No	No
6/11/02 @ 1145	same	same	Demerol 25mg	No	No
6/11/02 @ 0937	1002796	Morphine 2mg Q 2 hours PRN pain	Morphine 10mg	No	0900
6/12/02 @ 1054	same	same	Morphine 10mg	1115	No
6/23/02 @ 1739	1035003	Demerol 25mg IV Q 1 hour PRN if Darvocet not effective	Demerol 25mg	No	No
6/23/02 @ 1809	same	same	Demerol 25mg	1830	1830
6/24/02 @ 0732	same	same	Demerol 25mg	No	No
6/24/02 @ 0810	same	same	Demerol 25mg	No	0800
6/24/02 @ 0913	same	same	Demerol 25mg	0900	0900
6/24/02 @ 0937	same	same	Demerol 25mg	No	No
6/24/02 @ 1528	same	same	Demerol 25mg	1500	No

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR	Nurses Notes
6/24/02 @ 1603	same	same	Demerol 25mg	1600	No
6/28/02 @ 0818	1019605	Demerol 25mg IV Q 4 hours PRN pain	Demerol 25mg	No	No
6/28/02 @ 0943	same	same	Demerol 25mg	No	No
6/28/02 @ 1218	same	same	Demerol 25mg	No	No
6/28/02 @ 1408	1017786	Demerol 50mg IV Q 4 hours	Demerol 25mg	No	No
6/28/02 @ 1537	same	same	Demerol 25mg	No	No
6/28/02 @ 1727	same	same	Demerol 25mg	No	No
6/29/02 @ 1405	1035886	Morphine 2mg IV Q 4 hours PRN pain	Morphine 10mg	2mg @1400	2mg @1400
6/29/02 @ 1555	same	same	Morphine 10mg	No	No
6/29/02 @ 1857	same	same	Morphine 10mg	No	No
7/3/02 @ 1718	1036356	Morphine 2mg IV Q 3-4 hours PRN	Morphine 10mg	No	No
7/3/02 @ 1828	same	same	Morphine 10mg	No	No
7/4/02 @ 1514	1012544	Morphine Sulfate 2mg IV Q 4 hours PRN pain	Morphine 10mg	2mg @ 1608	2mg @ 1600
7/4/02 @ 1802	same	same	Morphine 10mg	1800	No

Respondent's conduct was likely to injure the patients in that the administration of Demerol and Morphine to patients in excess frequency of the physician's order could result in the patient suffering from respiratory depression.

9. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, withdrew Demerol and Morphine from the pyxis for patients but failed to follow the policy and procedure for the wastage. Respondent failed to document the wastage and failed to obtain a witness. Respondent's conduct was likely to deceive the pharmacy and constitutes a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

10. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, withdrew Demerol and Morphine from the pyxis for patients who had been discharged or transferred to another unit, as follows:

Date/Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	Time discharged or transferred to another floor
6/11/02 @ 1145	1032767	Demerol 25mg IV Q 4 hours PRN pain	Demerol 25mg	Patient transferred to Med/Surg unit at 1100
6/13/02 @ 1005	1002796	Morphine 2mg Q 2 hours PRN pain	Morphine 10mg	Patient transferred to another floor at 0915
6/24/02 @ 1603	1035003	Demerol 25mg IV Q 1 hour PRN if Darvocet not effective	Demerol 25mg	Patient discharged at 1600
7/3/02 @ 1828	1036356	Morphine 2mg IV Q 3-4 hours PRN	Morphine 10mg	Patient discharged at 1820

Respondent's conduct was likely to defraud patients and the facility of the cost of the medications.

11. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, misappropriated Demerol and Morphine belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
12. Respondent, while employed with Memorial Health System of East Texas, Livingston, Texas, during June 2002 and July 2002, engaged in the intemperate use of Demerol and Morphine. Possession of Morphine and Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine and Demerol 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.
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 Numbers seven (7) through twelve (12) resulted from 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)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), (3), (4), (18), (19), & (20).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 669554, heretofore issued to DEBRA A. SHAMBLEE, including revocation of Respondent's professional 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):

(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.

(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 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 privileges, 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, 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 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of October, 2002.

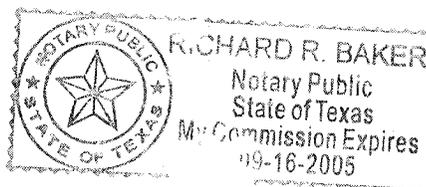
Debra A. Shamblee
DEBRA A. SHAMBLEE, Respondent

Sworn to and subscribed before me this 22nd day of October, 2002

SEAL

Richard R Baker

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 22nd day of October, 2002, by DEBRA A. SHAMBLEE, License Number 699554, and said Order is final.

Entered and effective this 28th day of October, 2002.



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