

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 640083 § AGREED
issued to VANCE KOWALIK § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 640083, issued to VANCE KOWALIK, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, 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 from San Antonio College, San Antonio, Texas, on March 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas, on May 20, 1997.
5. Respondent's professional employment history includes:

4/97 - 8/97

GN/Staff Nurse
Med-Surg/Telemetry

Huguley Health System
Fort Worth, Texas

Respondent's professional employment history continued:

11/97-10/00	Staff Nurse Telemetry	Christus Santa Rosa Health Center San Antonio, Texas
1/01-4/01	Staff Nurse Telemetry	St. Lukes Baptist Hospital San Antonio, Texas
4/01-Present	Employment Unknown	

6. At the time of the incidents, Respondent was employed as a Staff Nurse in the Telemetry Unit of Christus Santa Rosa Health Center, San Antonio, Texas. Respondent had been in this position for two (2) years and eleven (11) months.
7. On or about October 13, 2000, while employed at Christus Santa Rosa Health Center, San Antonio, Texas, Respondent engaged in the intemperate use of Meperidine as evidenced by a positive drug screen for Meperidine. Possession of Meperidine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Meperidine 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. Respondent, while employed at Christus Santa Rosa Health Center, San Antonio, Texas, signed out Demerol on the controlled substance record for patients but failed to document the administration of Demerol on the Medication Administration Record (MAR), withdrew Demerol for patients without a physician's order, and failed to document the wastage of Demerol, as follows:

Date	Patient	Time	Order	Controlled Substance Record	Wastage	MAR
10/10/00	RD0018379636	1900	None	2 Demerol 100mg	None	Not Documented
		2030	None	1 Demerol 100mg	None	Not Documented
		2200	None	2 Demerol 100mg	None	Not Documented
		2345	None	2 Demerol 50mg	None	Not Documented
10/11/00	RD0018379636	0000	None	2 Demerol 75mg	None	Not Documented
				2 Demerol 100mg	None	Not Documented
		0215	None	3 Demerol 75mg	None	Not Documented

				1 Demerol 75mg	None	Not Documented
		0430	None	1 Demerol 100mg	None	Not Documented
		0500	None	2 Demerol 75mg	None	Not Documented
		0530	None	2 Demerol 75mg	None	Not Documented
10/10/00	RD0018381103	1930	None	2 Demerol 50mg	None	Not Documented
		2230	None	2 Demerol 50mg	None	Not Documented
10/11/00	RD0018381103	0200	None	2 Demerol 50mg	None	Not Documented
		0030	None	2 Demerol 75mg	None	Not Documented
		0430	None	1 Demerol 100mg	None	Not Documented
		0530	None	1 Demerol 25mg	None	Not Documented
		0645	None	2 Demerol 100mg	None	Not Documented

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 and the administration of Demerol without a physician's order could result in the patient suffering from respiratory depression. Respondent's conduct was also likely to deceive the pharmacy regarding the wastage and constitutes a violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. 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.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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(3)(18)&(20).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 640083, heretofore issued to VANCE KOWALIK, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the voluntary surrender of License Number 640083, heretofore issued to VANCE KOWALIK, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to VANCE KOWALIK, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, 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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 11 day of October, 2001.



VANCE KOWALIK, Respondent

Sworn to and subscribed before me this 11 day of October, 2001.

SEAL



Notary Public in and for the State of Illinois



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 640083, previously issued to VANCE KOWALIK.

Effective this 16th day of October, 2001.


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