

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of	§	ELIGIBILITY
NANCY ANN TWEEDY <i>MCVEY</i>	§	
Applicant for Eligibility for Licensure	§	AGREED ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of NANCY ANN TWEEDY, Applicant for Licensure by Endorsement, hereinafter referred to as Applicant.

Information received by the Board produced evidence that Applicant may have violated Article 4525(b)(7), Revised Civil Statutes of Texas, as amended. Applicant waived representation by counsel, informal conference, notice, hearing and agreed to the entry of this Order offered on September 29, 1997, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. On or about August 21, 1997, Applicant submitted an application for Temporary License/Registration by Endorsement as a professional nurse in the State of Texas in compliance with Article 4521(a), Revised Civil Statutes of Texas, as amended.
2. Applicant waived representation by counsel, informal conference, notice and hearing, and consented to the entry of this order.
3. Applicant received an Associate Degree in Nursing from Kaskaskia College, Centralia, Illinois in May of 1984.
4. Applicant completed the application for licensure by endorsement and answered "Yes" to question number nine (9), which reads as follows: "Have you ever had disciplinary action taken against you by a licensing/certifying authority for nurses(RN/LVN/PN or Nurse Aide) in any state, province, territory or country?"
5. On or about December 8, 1989, Applicant's license to practice professional nursing in the State of Illinois was placed on probation for two (2) years.
6. On or about April 27, 1993, Applicant's license to practice professional nursing in the State of Illinois was suspended for five (5) years.

7. On or about February 4, 1997, Applicant's license to practice professional nursing in the State of Illinois was reinstated with probation conditions for two (2) years.
8. On or about February 19, 1991, Applicant's license to practice professional nursing in the State of Missouri was placed on probation for three (3) years.
9. On or about October 11, 1991, Applicant's license to practice professional nursing in the State of Missouri was revoked.
10. Applicant completed the application for licensure by endorsement and answered "Yes" to question number twelve (12), which reads as follows: "Have you been addicted or treated for the use of alcohol or any other drug within the past five (5) years?"
11. On or about July 7, 1995, Applicant admitted herself to La Hacienda Treatment Center, Hunt, Texas, for her alcohol addiction. Applicant was dismissed from in patient treatment on July 17, 1995, and was discharged to a halfway house. Applicant was discharged from the halfway house on August 4, 1995. Applicant continues with La Hacienda's aftercare recommendations which include regular support group attendance.
12. Applicant's sobriety date is 07/01/95.
13. Applicant has been advised by the Board that incomplete or incorrect disclosures to the Board or a subsequent discovery of a basis for ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Article 4525(a), Revised Civil Statutes of Texas, as amended.
2. Applicant has submitted an application in compliance with Article 4521(a), Revised Civil Statutes of Texas, as amended.
3. The evidence in Finding of Fact number five (5) is sufficient cause to take disciplinary action under Article 4525(b)(7), Revised Civil Statutes of Texas, as amended, and, therefore, sufficient cause to deny licensure under Article 4525(a).
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Article 4525(d), Revised Civil Statutes of Texas, as amended.

5. This Order is conditioned upon the accuracy and completeness of Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and disciplinary action.

AGREED CONDITIONS

IT IS THEREFORE AGREED that the application of NANCY ANN TWEEDY is hereby conditionally GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas which shall bear the appropriate notation. APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Art. 4513 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.

(3) APPLICANT SHALL, within one (1) year of licensure, successfully complete a course in nursing jurisprudence. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content should include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, SHOULD APPLICANT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, APPLICANT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR TWO AND ONE-HALF (2½) YEARS OF EMPLOYMENT:

(4) APPLICANT SHALL notify all potential employers in professional nursing of this Order of the Board and the stipulations on APPLICANT's license. APPLICANT SHALL present a copy of this Order to each potential employer prior to accepting an offer of employment.

(5) APPLICANT SHALL CAUSE each potential employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(6) For the first six (6) months of employment as a Registered Nurse, APPLICANT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as APPLICANT and readily available to provide assistance and intervention. APPLICANT SHALL work only on regularly assigned, identified and predetermined unit(s). The APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation period APPLICANT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as APPLICANT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. APPLICANT SHALL work only regularly assigned, identified and predetermined unit(s). APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the first six (6) months of employment as a registered nurse APPLICANT SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the assigned unit(s).

(9) For the first six (6) months of employment as a registered nurse APPLICANT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan or other synthetic opiates.

(10) APPLICANT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to APPLICANT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the APPLICANT. These reports shall be submitted to the office of the Board at the end of each three (3) months for two and one-half (2½) years of employment as a professional nurse.

(11) APPLICANT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, APPLICANT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription.

(12) APPLICANT SHALL submit to random periodic screens for controlled substances and alcohol.

For the first three (3) month period, random screens shall be performed at least once per week.

For the second three (3) month period, random screens shall be performed at least once per month.

For the remainder of the stipulation/probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cocaine Metabolites	Opiates
Ethanol	Phencyclidine
Hydrocodone	Propoxyphene
Marijuana Metabolites	

A Board representative may appear at the APPLICANT's place of employment at any time during the stipulation period and collect a specimen for screening. That specimen will be screened for all of the above substances as well as Butorphanol Tartrate (Stadol), Dezocine (Dalgan), and Nalbuphine Hydrochloride (Nubain).

All screens shall be properly monitored and production of specimen personally observed by the employer's designee. A complete chain of custody shall be maintained for each specimen obtained and analyzed.

APPLICANT SHALL CAUSE the employer/laboratory to send the written results of each random screen to the Office of the Board within five (5) days of the date that the screen is analyzed. If any screen tests positive for alcohol and/or controlled substances Nubain, Stadol, Dalgan or other synthetic opiates, for which the APPLICANT does not have a valid prescription, the employer/laboratory shall report such results to the Board Office on the day that the results are received by calling (512) 305-6834 and reporting the positive results to the Monitoring Investigator.

(13) APPLICANT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. APPLICANT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the APPLICANT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the APPLICANT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until APPLICANT is dismissed from therapy.

(14) APPLICANT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and APPLICANT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by APPLICANT. APPLICANT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IS FURTHER AGREED, that upon full compliance with the terms of this order, APPLICANT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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APPLICANT'S CERTIFICATE

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Article 4518 §2 and §3 and Article 4525(a) and (b), Texas Revised Civil Statutes, Annotated, as amended, and Board Rules at 213.27 and 213.28, 22 Texas Administrative Code which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Board of Nurse Examiners.

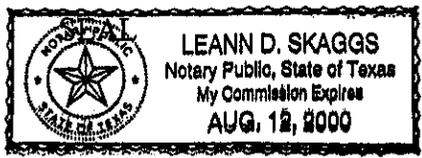
I understand that I can be represented by an attorney in this matter. I waive representation, notice and hearing and request that the Board of Nurse Examiners enter this Order.

Signed this 12 day of November, 1997.

Nancy Ann Tweedy
NANCY ANN TWEEDY

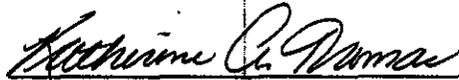
Sworn to and subscribed before me by the said Nancy Ann Tweedy this 12th day of November, 1997.

Leann D. Skaggs
Notary Public in and for
the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Eligibility Agreed Order that was signed on the 12th day of November, 1997, by NANCY ANN TWEEDY, Applicant, and said order is final.

Effective this 9th day of December, 1997.



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