In the Matter of	§	**BEFORE THE TEXAS**
Permanent Vocational Nurse	§	
License Number 141425	§	
Issued to PAMELA J. CRUZ,	§	
Respondent	§	**BOARD OF NURSING**

ORDER OF TEMPORARY SUSPENSION

TO: PAMELA J. CRUZ
6623 PECAN ACRES
SAN ANTONIO, TX 78240

A public meeting of the Texas Board of Nursing was held on May 20, 2013 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 141425, issued to PAMELA J. CRUZ was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of PAMELA J. CRUZ and whether continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about April 22, 2013, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing, on September 14, 2010. Noncompliance is the result of your failure to abstain from the consumption of alcohol in that you submitted a specimen for a drug screen that resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), metabolites of alcohol. Stipulation Number Thirteen (13) of the Order, which reads, in pertinent part:

"(13) RESPONDENT SHALL abstain from the consumption of alcohol..."

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

The Texas Board of Nursing further finds that, given the nature of the charge concerning her fitness to practice, the continued practice of nursing by PAMELA J. CRUZ constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Vocational Nurse License Number 141425, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 141425, issued to PAMELA J. CRUZ, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 20th day of May, 2013.

TEXAS BOARD OF NURSING

BY: _____
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

D4551-12/06/2012

In the Matter of,	§	**BEFORE THE TEXAS**
Permanent Vocational Nurse	§	
License Number 141425	§	
Issued to PAMELA J. CRUZ,	§	
Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, PAMELA J. CRUZ, is a Vocational Nurse holding License Number 141425, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about April 22, 2013, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing, on September 14, 2010. Noncompliance is the result of your failure to abstain from the consumption of alcohol in that you submitted a specimen for a drug screen that resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), metabolites of alcohol. Stipulation Number Thirteen (13) of the Order, which reads, in pertinent part:

"(13) RESPONDENT SHALL abstain from the consumption of alcohol..."

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Orders dated December 3, 2001, September 10, 2002, August 8, 2006, and September 14, 2010.

Filed this 20th day of May, 2013.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
John R. Griffith, Assistant General Counsel
State Bar No. 24079751
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Orders dated December 3, 2001, September 10, 2002, August 8, 2006, and September 14, 2010.
D/2012.06.19

BOARD OF VOCATIONAL NURSE EXAMINERS	§	STATE OF TEXAS
VS	§	
PAMELA JEAN CORTEZ	§	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 141425, held by PAMELA JEAN CORTEZ hereinafter called Respondent.

A sworn Complaint has been filed and served on the Respondent, which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

An informal conference was held on October 1, 2001, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Betty E. Sims, RN, MSN, Hearing Officer, assisted by Ms. Janette Bowers, member of the Board of Vocational Nurse Examiners. Respondent was present and was represented by counsel.

The conference was attended by Lynda G. Pringle, Investigator for the Board, and Joseph Pitner, Assistant Attorney General. By their notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is ratified by the Board.

After reviewing the Complaint and information provided at the informal conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, that license number 141425, heretofore issued to PAMELA JEAN CORTEZ to practice vocational nursing in the State of Texas be, and the same is hereby Suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.

2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.

3. That Respondent shall not practice nursing in a Nurse Licensure Compact remote state without obtaining prior written authority of both the BVNE and the Board of Nursing of the remote state.

4. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.

5. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor (s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

6. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. five.

7. That if Respondent is employed as a private duty, temporary agency, or home health nurse, Respondent shall cause his/her nurse supervisor(s) to conduct and document weekly supervisory reviews and/or supervised visits of all medical records of patients assigned to Respondent. While so employed, Respondent shall be responsible for causing his/her nurse supervisor(s) to submit said required documentation in the form of satisfactory reports directly to the Board office, as provided in Stipulation No. five.

8. That Respondent shall attend Narcotics Anonymous (N.A.), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

9. That Respondent shall and hereby agrees to abstain from the consumption of Alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or use of unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's history, and it is incumbent upon Respondent to ensure such physician knowledge. If prescribed medication, RESPONDENT SHALL CAUSE the attending physician to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the Board office by the prescribing physician, within ten (10) days of the date of the prescription.

10. That Respondent shall through the Board's agent (DISA), submit to random blood alcohol and urine drug screens.

11. That Respondent shall be responsible daily for telephoning DISA's Voice Response (DVR) at 1-800-580-1099. That said drug screen shall be administered through the policies and procedures of the Drug Intervention Services of America, Inc. (DISA), utilizing LabCorp facilities. That said drug-screening panel shall consist of the following:

Alcohol (Ethanol)	Cannabinoids	Methaqualone
Amphetamines	Cocaine	Opiates
Barbiturates	Meperidine	Phencyclidine
Benzodiazepines	Methadone	Propoxyphene

Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. Any report of failure to contact DISA and/or a positive drug screen for which the Respondent does not have a valid prescription, will be regarded as non-compliance with the terms of this order and may subject the Respondent to further disciplinary action by the Board.

12. That Respondent pay a Probation Monitoring fee in the amount of thirty ($30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners ", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

13. That Respondent shall return their license to the Board office for a replacement license marked **"PROBATION"** and pay a license re-issue fee in the amount of twenty ($20.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said return of license and fee shall be made not later that thirty (30) days following the date of the Board's endorsement of the Agreed Board Order. Said license and fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to return said license or pay said fee shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 1st day of October, 2001.

APPROVED:

Signature of Respondent

JOHN F. LEGRIS
Attorney for Respondent

7307 Triple Elm N
Current Address

San Antonio TX 78269
City, State and Zip

210 / 804-0810
Area Code and Telephone Number

The State of Texas
County of TRAVIS

Before me, the undersigned authority, on this day personally appeared PAMELA JEAN CORTEZ who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 1st day of October, 2001.

SANDY GARDNER
Notary Public, State of Texas
My Commission Expires
April 13, 2003

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 4/13/03

Betty E. Sims

Betty E. Sims, RN, MSN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 1st day of October, 2001.

SANDY GARDNER
Notary Public, State of Texas
My Commission Expires
April 13, 2003

Sandy Gardner

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 4/13/03

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 1st day of October, 2001 by Respondent, license number 141425 and that Said Order is Final.

Effective this 3rd day of December, 2001

Cora Clay, R.N.
Interim Executive Director
On Behalf of Said Board

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of December, 2001, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

PAMELA JEAN CORTEZ
7307 TRIPLE ELM NORTH
SAN ANTONIO, TX 78269

JOHN LEGRIS
ATTORNEY AT LAW
411 SOUTH PRESA
SAN ANTONIO, TX 78711-3025

Cora Clay, R.N.
Interim Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS	§	STATE OF TEXAS
	§	
	§	
VS.	§	
	§	
	§	
PAMELA JEAN CORTEZ	§	COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Lynda G. Pringle, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Lynda G. Pringle, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against PAMELA JEAN CORTEZ, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 141425, hereinafter called Respondent.

I.

a. By letter dated December 21, 1999, the Board of Vocational Nurse Examiners received a written referral from the Texas Peer Assistance Program for Nurses (TPAPN) alleging that Respondent had declined participation with their program.

II.

a. On or about October 7, 1999, Respondent submitted her application for employment as a Licensed Vocational Nurse at Retama Manor West in San Antonio, Texas.

b. On or about October 7, 1999, as part of the pre-employment screening process, Respondent was requested to submit to a drug screen. On or about October 12, 1999, said facility was notified that said drug screen revealed a positive reading for COCAINE. Subsequently, Respondent was not employed at said facility.

III.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (10) and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

> (10) practicing as a vocational nurse holding a license or temporary permit or a graduate making application for licensure, and or applying for employment or by virtue of being an LVN in an Educational program while the individual's ability to practice is impaired by alcohol, drug, physical or mental disability and or testing positive for alcohol, illicit drugs, or other substances not prescribed;
>
> (27) failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained;
>
> (28) violating state or federal laws relative to drugs, including controlled substances and dangerous drugs.

IV.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code, Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars ($250.00), not to exceed two thousand dollars ($2,000.00).

WHEREFORE, PREMISES CONSIDERED, I, Lynda G. Pringle, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against PAMELA JEAN CORTEZ, LVN #141425, in accordance with the provisions of the laws of the State of Texas.

Lynda G. Pringle
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Lynda G. Pringle, on this the 7th day of June, 2001.

SANDY GARDNER
Notary Public, State of Texas
My Commission Expires
April 13, 2003

Sandy Gardner
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 7th day of June, 2001.

Kathleen S. Davies
Kathleen S. Davies, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners

IN THE MATTER OF PERMANENT	§	**BEFORE THE BOARD**
OF	§	**VOCATIONAL NURSE EXAMINERS**
LICENSE NUMBER #141425	§	**IN AND FOR THE**
ISSUED TO	§	**STATE OF TEXAS**
PAMELA JEAN CORTEZ	§	

DEFAULT ORDER

TO: PAMELA JEAN CORTEZ
P.O. BOX 380345
SAN ANTONIO, TEXAS 78263

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as "the Board", the matter of vocational nurse license number 141425 held by PAMELA JEAN CORTEZ hereinafter called "Respondent".

A sworn Complaint has been filed in accordance with the TEX. OCC. CODE ANN. § 302.403 & § 302.404 and served on the Respondent, pursuant to TEX. GOV'T CODE ANN. Chapter 2001 (Vernon 2000), 22 TEX. ADMIN. CODE (TAC) § 239.23 (1999); which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

During open meeting on September 10, 2002, at Austin, Texas, the Board finds that, after proper and timely notice was given in the above-styled case, Respondent has failed to file an "Answer to Appear".

The Board, after review and due consideration of Respondent's failure to enter an appearance, in accordance with 22 TEX. ADMIN. CODE (TAC) § 239.46 (2000), ratifies and adopts the Default Order.

NOW, THEREFORE, IT IS ORDERED that License Number #141425 heretofore issued to PAMELA JEAN CORTEZ to practice vocational nursing in the State of Texas be, and the same is hereby, **REVOKED**.

Appeals from a final decision or Order of the Board must be made pursuant to the requirements of the Administrative Procedure Act, TEX. GOV'T CODE, ANN., Chapter 2001, § 2001.146, as amended. A motion for rehearing must be filed the Board within 20 days from the date of this notice, as a jurisdictional prerequisite to an Appeal.

Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 10th day of September, 2002.

SANDY GARDNER
Notary Public, State of Texas
My Commission Expires
April 13, 2003

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 4/13/03

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Default Order, on the 10th day of September, 2002, that Said Order is Final in the matter of PAMELA JEAN CORTEZ, LVN #141425.

Effective this 10th day of September, 2002.

Terrie L. Hairston, R.N., C.H.E.,
Executive Director
On Behalf of Said Board

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of September, 2002, a true and correct copy of the foregoing **DEFAULT ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

PAMELA JEAN CORTEZ
P.O. BOX 380345
SAN ANTONIO, TEXAS 78263

Terrie L. Hairston

Terrie L. Hairston, R.N., C.H.E.,
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
VS.	*	
PAMELA CORTEZ	*	COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Carolyn Hudson, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Carolyn Hudson, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against PAMELA CORTEZ, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 141425, hereinafter called Respondent.

I.

a. On December 3, 2001, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which Respondent's license to practice Vocational Nursing in the State of Texas was suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.

b. Said Order stipulated, in part, that Respondent shall cause her nursing supervisor(s) to submit satisfactory, required reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing her nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis.

c. Said Order also stipulated, in part, that any period of nursing unemployment must be documented in writing by Respondent and submitted to the Board office.

d. Said Order further stipulated, in part, that Respondent shall attend Narcotics Anonymous and shall be responsible for causing her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis throughout the term of probation.

e. Said Order also stipulated, in part, that Respondent shall submit to random blood alcohol and urine drug screens through the Board's agent Drug Intervention Services of America (DISA).

f. Said Order further stipulated, in part, that Respondent shall be responsible daily for telephoning DISA's Voice Response (DVR) at 1-800-580-1099, and that said drug screen shall be administered through the policies and procedures of DISA, utilizing LabCorp facilities.

g. Also, said Order stipulated, in part, that Respondent shall pay a Probation Monitoring fee in the amount of thirty ($30.00) dollars on a quarterly basis, due on the 15th of each quarter. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

h. Respondent has failed to cause her nursing supervisor(s) to submit satisfactory, required, monthly reports to the Board office on or before the due dates of January 3, 2002, February 3, 2002, and March 3, 2002.

i. Respondent has failed to cause her NA program sponsor to submit a satisfactory, required, quarterly report to the Board office on or before the due date of March 3, 2002.

j. Respondent has failed to daily telephone DISA's Voice Response (DVR) at 1-800-580-1099 from January 2002 through April 2002.

k. Respondent has failed to submit the thirty ($30.00) dollar probation monitoring fee to the Board office on or before the due date of March 15, 2002.

l. By said conduct Respondent has violated the terms of her probation.

II.

Respondent has violated the Texas Occupations Code, a rule or order issued under this code, contrary to the Texas Occupations Code, Chapter 302, Section 302.402 (a) (1).

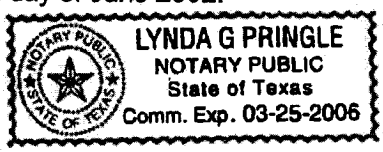
III.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars ($250.00), not to exceed two thousand dollars ($2,000.00).

WHEREFORE, PREMISES CONSIDERED, I, Carolyn Hudson, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against PAMELA CORTEZ, LVN # 141425, in accordance with the provisions of the laws of the State of Texas.

Carolyn Hudson
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Carolyn Hudson, on this the 6th day of June 2002.



Lynda G Pringle
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 6th day of June 2002.

Kirby W. Hattox, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Vocational Nurse	§	REINSTATEMENT
License Number 141425	§	AGREED ORDER
issued to PAMELA JEAN CORTEZ	§	

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

On this day came to be considered by the Board of Nurse Examiners for the Sta of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of vocational nu license number 141425, held by PAMELA JEAN CORTEZ, hereinafter referred to as Petitioner.

An informal conference was held on April 25, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Petitioner received a Certificate in Vocational Nursing from St. Philips College, San Antonio, Texas, on March 8, 1993. Petitioner was originally licensed to practice vocational nursing in the State of Texas on May 25, 1993.

4. Petitioner's vocational nursing employment history includes:

04/93 - 10/96	GVN/LVN	Southwest Care Center San Antonio, Texas
11/96 - 11/99	LVN Field Nurse	Salud Home Care San Antonio, Texas
12/99 to present	Not employed in nursing	

5. On or about December 3, 2001, Petitioner's license to practice Vocational Nursing in the State of Texas was Suspended by the Board of Vocational Nurse Examiners for the State of Texas. The suspension was stayed, and Petitioner was placed on probation for eighteen (18) months. A copy of the December 3, 2001, Agreed Order and Complaint is attached and incorporated, by reference, as part of this Order.

6. On September 10, 2002, Petitioner's license to practice vocational nursing in the State of Texas was revoked by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the September 10, 2002, Order and Complaint, is attached and incorporated, by reference, as a part of this Order.

7. On or about February 3, 2006, Petitioner submitted a Petition for Reinstatement of her License to practice vocational nursing in the State of Texas.

8. On May 1, 2006, Petitioner presented to Edgar G. Allen, LVN-LCDC-FBCC, Circle Of Recovery, San Antonio, Texas, to undergo a chemical dependency evaluation. The evaluator states that Petitioner has a very low probability of having any type of substance abuse problem. There is no risk of Petitioner not remaining on task with her goals.

9. Petitioner presented the following in support of her petition:

   9.1. Progress Report written by Edgar G. Allen, LVN-LCDC, Circle of Recovery, San Antonio, Texas. Mr. Allen states that Petitioner is willing to do what is necessary to turn her life around and live a more productive and positive lifestyle. Petitioner has a long term plan of action to remain on track, and has agreed to continue to use his services as a support system.

   9.2. Letter of support, dated December 8, 2005, written by Susan R. Arciniega, LCSW, LMFT-LMSW, CPS, San Antonio, Texas. Ms. Arciniega states that she has known Petitioner for approximately one (1) year. Petitioner is conscientious regarding her profession, her clients, and their overall health concerns. Petitioner is honest, dependable, and focused, and she would be an asset to the nursing field. Ms. Arciniega recommends reinstatement of Petitioner's nursing license.

9.3. Letter of support, dated, November 18, 2005, written by Georgann E. Owens, LMSW-LCSW, San Antonio, Texas. Ms. Owens states that she has worked with Petitioner in a professional setting for over one (1) year, and Petitioner displays a strong work ethic in providing patient care. She performs her duties in a professional manner with astute documentation and communication with care providers. Ms. Owens recommends reinstatement of Petitioner's nursing license.

9.4. Letter of support, dated December 5, 2005, written by Ana Y. Perez, M.D., Internal Medicine, San Antonio, Texas. Dr. Perez states that Petitioner works as an R.M.T. and directs the Physical Therapy Department. Petitioner is very dependable and demonstrates a superior ability to anticipate what is required for the clinic to run smoothly. Petitioner is professional and proficient in her work as an R.M.T. She is able to assist patients with concerns or questions regarding their health or medications. Dr. Perez states that Petitioner's experience as an LVN combined with her knowledge as an R.M.T. has made her an asset to the practice. Dr. Perez recommends reinstatement of Petitioner's nursing license.

9.5. Letter of support, written by Yolanda Hohmann, Chaplain & Care Minister, San Antonio, Texas. Chaplain Hohmann states that she met Petitioner while under the care of Ana Perez, M.D. Petitioner is very dependable, professional, and proficient in her work as an R.M.T. Chaplain Hohmann states that she has had many medical problems, and Petitioner relates well to her concerns because of her LVN background. She is highly motivated, conscientious, and caring. Chaplain Hohmann recommends reinstatement of Petitioner's nursing license.

9.6. Letter of support, written by Beverly Devine, RN, BSN. Ms. Devine states that she has known Petitioner since 1996. Ms. Devine states that she has worked with Petitioner in the nursing home setting and home health setting. Petitioner has shown her capabilities of performing the duties of an LVN, and she has compassion for the clients.

9.7. Letter of support, dated April 1, 2005, written by Elizabeth A. Perez, RN, The Forum at Lincoln Heights, San Antonio, Texas. Ms. Perez states that she has known Petitioner for two (2) years. Petitioner worked as a private caregiver for one of the residents, and she was a conscientious and compassionate caregiver. She is knowledgeable and demonstrates a true caring for her patients.

9.8. Letter of support, written by Matthew Montoya, states that he has known Petitioner for two (2) years, and she has displayed a high level of integrity and perseverance. She is an advocate for her patients and handles difficult situations with confidence and grace. Mr. Montoya recommends reinstatement of Petitioner's nursing license.

9.9. Letter of support, dated April 6, 2005, written by Margy Heep, states that Petitioner was the caregiver for her aunt in the assisted living wing of the Forum at Lincoln Heights. Her duties included assisting her with daily living skills such as dressing, walking, exercising, and general hygiene. Ms. Heep states that Petitioner was cordial and had constructive suggestions concerning the care of her aunt.

9.10. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

10. Petitioner gives December 1999, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of PAMELA JEAN CORTEZ, license number 141425, to practice vocational nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 et. seq. and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees, if applicable, and is issued licenses to practice nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to PAMELA JEAN CORTEZ, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER 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 vocational nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER'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. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study

courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify PETITIONER'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. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

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

(7) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) PETITIONER SHALL NOT practice as a vocational nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a vocational nurse.

(9) PETITIONER SHALL NOT practice as a vocational nurse in any critical care area for one (1) year of employment as a vocational nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a vocational nurse.

(11) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a vocational nurse.

(12) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER 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. **In the**

event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(13) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), 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 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
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(14) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER 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 PETITIONER. PETITIONER 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, 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 convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of July, 2006.

Pamela J. Cortez

PAMELA JEAN CORTEZ, Petitioner

Sworn to and subscribed before me this 10 day of July, 2006.

SEAL

Lynne A. Cooper

Notary Public in and for the State of Texas

LYNNE A. COOPER
Notary Public, State of Texas
My Commission Expires
April 21, 2010

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 10th day of July, 2006, by PAMELA JEAN CORTEZ, Vocational Nurse license number 141425, and said Order is final.

Effective this 8th day of August, 2006.

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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	AGREED
License Number 141425	§	ORDER
issued to PAMELA J. CORTEZ	§	

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

On this day the Board of Nurse Examiners for the State of Texas, hereinafter to as the Board, considered the matter of PAMELA J. CORTEZ, License Number hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1), (9) & (10), Texas Occupations Code. Respondent waived informal conference, and notice and hearing, and agreed to the entry of this Order offered on August 10, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 consented to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from St. Philips College, San Antonio, Texas, on March 8, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on May 25, 1993.

5. Respondent's vocational nursing employment history includes:

04/93 - 10/96	GVN/LVN	Southwest Care Center San Antonio, Texas
11/96 - 11/99	LVN	Salud Home Care San Antonio, Texas

Respondent's vocational employment history continued:

12/99 - 07/06	Not employed in nursing	
09/06 - 12/06	LVN	Regency Manor Nursing & Rehabilitation Floresville, Texas
01/07 - 03/07	LVN	Care Inn of Seguin Seguin, Texas
04/07 - 06/07	LVN	The Village at Incarnate Word San Antonio, Texas
06/07 - 09/07	LVN	The Forum at Lincoln Heights San Antonio, Texas
10/07 - 02/08	LVN	River City Care Center San Antonio, Texas
09/08 - 07/09	LVN	Southeast Nursing & Rehabilitation San Antonio, Texas
08/09 - present	LVN	Nornamdy Terrace Health & Rehabilitation San Antonio, Texas

6. On December 3, 2001, Respondent's license to practice vocational nursing in the State of Texas was Suspended by the Board of Vocational Nurse Examiners for the State of Texas. The suspension was stayed, and Respondent was placed on probation for eighteen (18) months. A copy of the December 3, 2001, Agreed order is attached and incorporated, by reference, as part of this Order.

7. On September 10, 2002, Respondent's license to practice vocational nursing in the State of Texas was revoked by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the September 10, 2002, Agreed Order is attached and incorporated, by reference, as part of this Order.

8. On August 8, 2006, Respondent's license to practice vocational nursing in the State of Texas was reinstated by the Texas Board of Nursing. A copy of the August 8, 2006, Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

9. On or about November 1, 2006, November 8, 2006, and December 8, 2006, while employed with Regency Manor Nursing and Rehabilitation, Floresville, Texas, Respondent failed to comply with the Agreed Order issued to her on August 8, 2006, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Thirteen (13) of the Order which states, in pertinent part:

> (13) Petitioner shall submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol....

10. On or about January 24, 2007, and January 29, 2007, while employed with Care Inn of Seguin, Seguin, Texas, Respondent failed to comply with the Agreed Order issued to her on August 8, 2006, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Thirteen (13) of the Order which states, in pertinent part:

> (13) Petitioner shall submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol....

11. On or about June 13, 2007, while employed with The Village at Incarnate Word, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to her on August 8, 2006, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Thirteen (13) of the Order which states, in pertinent part:

> (13) Petitioner shall submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol....

12. On or about December 21, 2007, while employed with River City Care Center, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to her on August 8, 2006, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Thirteen (13) of the Order which states, in pertinent part:

> (13) Petitioner shall submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol....

13. On or about December 11, 2009, while employed with Normandy Terrace Healthcare and Rehabilitation Center, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to her on August 8, 2006, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Thirteen (13) of the Order which states, in pertinent part:

> (13) Petitioner shall submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol....

14. On or about June 1, 2007, September 1, 2007, and December 1, 2007, Respondent failed to comply with the Agreed Order issued to her on August 8, 2006, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Fourteen (14) of the Order which states, in pertinent part:

> (14) Petitioner shall attend at least two (2) support group meetings each week, one of which shall be for substance abuse....

15. On or about October 16, 2008, while employed as a Licensed Vocational Nurse with Southeast Nursing and Rehabilitation, San Antonio, Texas, Respondent engaged in the intemperate use of Alcohol in that she produced a specimen for a drug screen which resulted positive for Alcohol. The use of Alcohol by a Licensed Vocational 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.

16. On or about October 16, 2008, while employed as a Licensed Vocational Nurse with Southeast Nursing and Rehabilitation, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to her on August 8, 2006, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Thirteen (12) of the Order which states, in pertinent part:

> (12) Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances....

17. From December 2006, through January 2010, Respondent failed to comply with drug screening requirements by failing to call in approximately one hundred and seven (107) times. Non-compliance is the result of Respondent's failure to comply with drug screening requirements.

18. 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 a violation of Section 301.452(b)(1), (9), & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12 (10)(A)&(D), and (11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 141425, heretofore issued to PAMELA J. CORTEZ, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that License Number 141425, previously issued to PAMELA J. CORTEZ, to practice vocational nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 141425 previously issued to PAMELA J. CORTEZ, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice vocational nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the 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, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and be issued a license to practice nursing in the State of Texas with the appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT 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

RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses can be found at the following Board's website address: http:// www.bon.state.tx.us/disciplinaryaction/stipscourses.html..*

(4) RESPONDENT SHALL pay a monetary fine in the amount of six hundred dollars ($600.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify all future employers in vocational nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a vocational nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse or a Licensed Vocational Nurse. Direct supervision requires another professional or vocational nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a

nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL NOT practice as a vocational nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a vocational nurse.

(10) RESPONDENT SHALL NOT practice as a vocational nurse in any critical care area for one (1) year of employment as a vocational nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a vocational nurse.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a vocational nurse.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT 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. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

(15) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT 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 RESPONDENT. RESPONDENT 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.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice vocational 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, 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

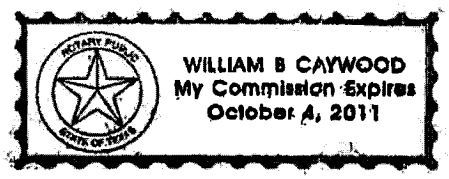
Signed this 17th day of August, 2010.

Pamela J. Cortez

PAMELA J. CORTEZ, Respondent

Sworn to and subscribed before me this 17th day of August, 2010.

SEAL



William B Caywood

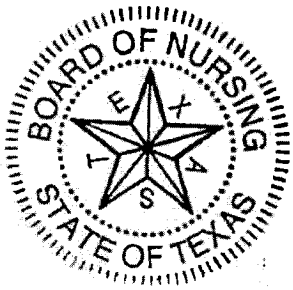
Notary Public in and for the State of Texas

Approved as to form and substance.

DAN LYPE, Attorney for Petitioner

Signed this 17 day of August, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 17th day of August, 2010, by PAMELA J. CORTEZ, Vocational Nurse License Number 141425, and said Order is final.



Effective this 14th day of September, 2010.

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