BOARD OF NURSING TEXAS
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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	REINSTATEMENT
License Number 104874	§	
issued to REBA A. CHISUM	§	AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter refe as the Board, the Petition for Reinstatement of Vocational Nurse License Number 104874, held by ..... A. CHISUM, hereinafter referred to as Petitioner.

An informal conference was held on November 4, 2014, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by Victoria Marie S. Bongat, Attorney at Law. In attendance were Kristin Benton, MSN, RN, Director of Nursing, Executive Director's Designee; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; 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(s).

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

3. Petitioner received a Certificate in Vocational Nursing from Southwest Texas Junior College, Uvalde, Texas, on January 13, 1984. Petitioner was originally licensed to practice vocational nursing in the State of Texas on May 30, 1984.

4. Petitioner's vocational nursing employment history includes:

1983 - 1984	LVN	Uvalde Memorial Hospital Uvalde, Texas
1984	LVN	Amistad Nursing Home Uvalde, Texas

Petitioner's vocational nursing employment history continued:

1984 - 1985	LVN	Community Care Center Hondo, Texas
1985 - 1987	LVN	Heritage Manor Hondo, Texas
1987 - 1989	LVN	Texas Specialty San Antonio, Texas
1989 - 1990	LVN	Camalu Care Center San Antonio, Texas
1990 - 1992	LVN	Memorial Medical San Antonio, Texas
1993	LVN	Williams Living Care Center San Antonio, Texas
1997 - 1998	LVN	Talladega Health Care Talladega, Alabama
1998 - 1999	LVN	Hill Country Care Kerville, Texas
1999 - 2001	LVN	Hondo Nursing Home Hondo, Texas
2002	LVN	Esign Group, Inc. San Antonio, Texas
2002	LVN	LTC Healthcare of Converse Converse, Texas
2003	LVN	Southeast Nursing and Rehab San Antonio, Texas
2003 - 2004	LVN	Regent Care of San Antonio San Antonio, Texas
2004	LVN	Amos Management Company San Antonio, Texas
2004 - 2005	LVN	Williamsburg Care Center San Antonio, Texas

Petitioner's vocational nursing employment history continued:

2005 - 2006	LVN	Blanco Villa Nursing and Rehabilitation
2005 - 2008	LVN	Millenia Medical Services San Antonio, Texas
2006	LVN	Donald L. Mooney Enterprises Universal City, Texas
2006 - 2007	LVN	River City Care Center San Antonio, Texas
2006 - 2007	LVN	Senior Health - Alamo LLC San Antonio, Texas
2007 - 2008	LVN	Sava Senior Care Silver Creek San Antonio, Texas
2008	LVN	Regent Care of San Antonio San Antonio, Texas
2008 - 2009	LVN	Cedar Hills Geriatric Center Camp Wood, Texas
2009 - 2010	LVN	Stonebrook Manor San Antonio, Texas

5. On August 17, 2010, Petitioner's license to practice vocational nursing in the State of Texas was revoked by the Texas Board of Nursing. A copy of the August 17, 2010, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On or about April 21, 2014, Petitioner submitted a Petition for Reinstatement of License to practice vocational nursing in the State of Texas.

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

   7.1. Letter of support, dated March 21, 2014, from Anita Mitchell states that she has known Petitioner for about three years. Ms. Mitchell states that she was Petitioner's sponsor throughout her 12-Step recovery program. Ms. Mitchell states that she has seen a substantial change in Petitioner's character and Petitioner has taken responsibility for her actions. Petitioner is a hard worker and she shows flexibility and balance in how she manages long work hours and her recovery program. Ms. Mitchell states that Petitioner would be a great asset to the nursing profession.

7.2. Letter of support, dated January 9, 2014, from Susan Riadon, LCDC, The Center for Health Care Services, San Antonio, Texas. Ms. Riadon worked with Petitioner from February 11, 2013 to August 29, 2013, at CHCS Permanency Project Supportive Housing Program. Ms. Riadon states that Petitioner showed determination and willingness in her recovery program, was committed to working with her sponsor, and maintained a chemical free lifestyle. Ms. Riadon states that Petitioner will be a great asset to the nursing field.

7.3. Letter of support, dated November 25, 2013, from Marie Brooker, Licensed Marriage and Family Therapist, Center for Health Care Services, Program Administrator, San Antonio, Texas. Ms. Brooker states that Petitioner met with her weekly for Cognitive Behavioral Therapy. Petitioner participated fully in therapy, doing assigned homework, and answering the hard questions. Ms. Brooker states that Petitioner is a caring person and a good example to others.

7.4. Documentation of negative drug screens from June 21, 2011, through October 15, 2012.

7.5. Documentation of support group meeting attendance from March 16, 2011, through September 20, 2014.

8. Petitioner gives May 8, 2011, 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. 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.

3. 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 Texas Board of Nursing, that the petition of REBA A. CHISUM, Vocational Nurse License Number 104874, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS 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 §211.1 et. seq. and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license(s) is/are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact 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 completed the following pre-licensure conditions and obtained a license to practice vocational nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of vocational nursing in the State of Texas. 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 shall include Nurses. The course's content shall include: 1) the role and scope of the vocational nurse; 2) a review of the nursing process to include focused assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication

administration review for all standard routes of administration; 5) documentation, ethical and legal implications for nursing practice; and 6) current CPR certification. This course shall include a minimum of the clinical components, providing direct patient care supervised by another nurse, as stated on the Board's website, http://www.bon.texas.gov/olv/pdfs/6mth-lvn.pdf.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure probation conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to REBA A. CHISUM, shall be subject to the following agreed post-licensure probation conditions:

(6) PETITIONER SHALL pay a monetary fine in the amount of three hundred fifty ($350.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(7) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and 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. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, 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. 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 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 may be found at the following Board website address: http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.*

(8) PETITIONER SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. 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 at the following Board website address: http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.*

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN 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 PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION 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 REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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 Petitioner is regularly assigned for one (1) year of employment as a vocational nurse.

(14) 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.

(15) 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.

(16) 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 three (3) years of employment as a vocational nurse.

(17) 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.**

(18) 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 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 stipulation 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 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 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 Petitioner's license and multistate licensure privileges, if any, to practice nursing in the State of Texas

(19) PETITIONER 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. 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) month period. 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, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

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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 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, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 1 day of December 2014.

Reba A. Chisum

REBA A. CHISUM, Petitioner

Sworn to and subscribed before me this 1st day of December, 2014.

SEAL

MARISA SANTOS
Notary Public, State of Texas
My Commission Expires
July 18, 2017

Marisa Santos

Notary Public in and for the State of 7-18-17

Approved as to form and substance.

Victoria M S Bongat

Victoria Marie S. Bongat, Attorney for Petitioner

Signed this 1st day of December, 2014.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 1st day of December, 2014, by REBA A. CHISUM, Vocational Nurse License Number 104874, and said Order is final.

Effective this 22nd day of January, 2015.

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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 104874	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
REBA A. CHISUM	§	BOARD OF NURSING

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

ORDER OF THE BOARD

TO: Reba A. Chisum
P.O. Box 1064
Leakey, TX 78873

During open meeting held in Austin, Texas, on Tuesday, August 17, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 104874, previously issued to REBA A. CHISUM, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 104874, previously issued to REBA A. CHISUM, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 17th day of August, 2010.

BOARD OF NURSING STATE OF TEXAS

TEXAS BOARD OF NURSING

BY: _____

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 104874
Issued to REBA A. CHISUM
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of August, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Reba A. Chisum
P.O. Box 1064
Leakey, TX 78873

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 104874, Issued to	§	
REBA A. CHISUM, Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, REBA A. CHISUM, is a Vocational Nurse holding license number 104874, 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 July 7, 2007, while employed with River City Care Center, San Antonio, Texas, Respondent falsified facility controlled substance records in that she completed a New Medication Order Sheet for Norco for Patient Medical Record Number 2007-20 without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Norco without a valid physician's order could result in the patient suffering from adverse reactions.

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(10)(B) & (11)(B).

CHARGE II.

On or about July 7, 2007, while employed with River City Care Center, San Antonio, Texas, Respondent misappropriated Norco belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent was asked to submit a specimen for a for cause drug screen but refused to comply with the request. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

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(6)(G).

CHARGE III.

On or about October 23, 2008, Respondent submitted a renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including

those pending appeal:

H. been arrested or have any pending criminal charges?"

On or about March 3, 2008, Respondent was arrested and charged with "Obtain Drugs by Fraud - Schedule III/IV," a 3rd Degree Felony (Committed on July 7, 2007) by the San Antonio Police Department, San Antonio, Texas. On or about December 1, 2008, Respondent plead No Contest to "Obtain Drugs by Fraud - Schedule III/IV," a 3rd Degree Felony in the 226th Judicial District Court of Bexar County, San Antonio, Texas, under Cause Number 2007CR8219.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2) & (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

CHARGE IV.

On or about December 1, 2008, Respondent plead No Contest to "Obtain Drugs by Fraud - Schedule III/IV," a 3rd Degree Felony in the 226th Judicial District Court of Bexar County, San Antonio, Texas, under Cause Number 2007CR8219. An adjudication of guilt was deferred, and Respondent was placed on community supervision for a period of two (2) years and ordered to a pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3) & (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(E), (11)(B) & (13).

CHARGE V.

On or about June 16 and June 17, 2009, while employed with Cedar Hills Geriatric Center, Camp Wood, Texas, Respondent removed Fentanyl patches from the medication dispensing system for Patient B.G. in excess frequency of physician's orders to apply the patch every three (3) days. Additionally, the patches were never found on the patient. Respondent's conduct was likely to injure the patient in that the administration of Fentanyl patches in excess frequency of physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(C) and 22 TEX. ADMIN. CODE §217.12(1)(A) & (4).

CHARGE VI.

On or about June 30, 2009, while employed with Cedar Hills Geriatric Center, Camp Wood, Texas, Respondent removed a Fentanyl patch from the medication dispensing system for Patient B.G. in excess frequency of physician's orders to apply the patch every three (3) days. Additionally, the patch was never found on the patient. Respondent's conduct was likely to injure the patient in that the administration of Fentanyl patches in excess frequency of physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(C) and 22 TEX. ADMIN. CODE §217.12(1)(A) & (4).

CHARGE VII.

On or about June 30, 2009, while employed with Cedar Hills Geriatric Center, Camp Wood, Texas, Respondent falsely documented the administration of Fentanyl and Catapres patches in Patient B.G.'s medical records in that she did not actually administer the medications. Respondent's conduct was likely to injure the patients in that subsequent care givers would have inaccurate information on which to base their decisions to administer further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A), (4), (6)(A)(H) & (10)(B).

CHARGE VIII.

On or about June 16, 2009 through June 30, 2009, while employed with Cedar Hills Geriatric Center, Camp Wood, Texas, Respondent removed Fentanyl patches from the medication dispensing system for Patient B.G. but failed to follow facility policy and procedure in place for the proper wastage of the unused Fentanyl patches. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapters 481 (Controlled Substances Act) and 483 (Dangerous Drugs Act) of the Texas Health and Safety Code.

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(10)(C) & (11)(B).

CHARGE IX.

On or about June 16, 2009 through June 30, 2009, while employed with Cedar Hills Geriatric Center, Camp Wood, Texas, Respondent misappropriated Fentanyl patches belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

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(6)(G).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to 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.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

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

Filed this 25th day of June, 2010.

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