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

In the Matter of License Number 583616	§	REINSTATEMENT
issued to BEVERLY KAY MESSENGER (BLALOCK)	§	AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 583616, held by BEVERLY KAY MESSENGER (BLALOCK), hereinafter referred to as Petitioner.

An informal conference was held on February 18, 2003, 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; Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, 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 an Baccalaureate Degree in Nursing from The University of Texas at Arlington, Arlington, Texas, in May 1992. Petitioner was originally licensed to practice professional nursing in the State of Texas on August 31, 1992.

4. Petitioner's professional employment history included:

12/94 - 3/98	Case Manager/Inservice Coordinator United In-Home Nursing Services Arlington, Texas
3/98 - 1/99	Agency Nurse Advanced Temporaries Fort Worth, Texas
1/99 - 7/00	Nurses Aide Woodland Springs Nursing Facility Waco, Texas
10/00 - 6/01	Administrative work Woodland Springs Nursing Facility Waco, Texas
10/01 - present	Medical Records Reviewer Woodland Springs Nursing Facility Waco, Texas

5. Petitioner's license to practice professional nursing in the State of Texas was revoked by the Board of Nurse Examiners for the State of Texas, on June 12, 2001. A copy of the Order of revocation is attached and incorporated by reference as a part of this Order.

6. On or about October 15, 2002, Petitioner submitted a Petition for Reinstatement of license to practice professional nursing in the State of Texas.

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

   7.1. Treatment plan from Austin Recovery Center, dated August 23, 2001.

   7.2. Letter dated November 13, 2001, addressed to Child Protective Services, indicating that Petitioner graduated successfully from intensive residential treatment for chemical dependency addiction on September 18, 2001. Petitioner and husband were assessed for family counseling on 9/26/01 and deemed appropriate and eligible for services. Petitioner recognizes how her self-esteem has influenced her decision-making in the past. She is focusing on the strengths that she has and challenging irrational thoughts both verbally and through journalizing. She is increasing her coping skills to face life's stressors without turning to alcohol.

   7.3. Discharge summary from Austin Recovery Center, dated September 18, 2001.

7.4. Certificate of completion of Women's Level II Residential Treatment with Austin Recovery Center, on September 18, 2001.

7.5. Letter of support, dated September 3, 2002, submitted by LaDonna Tavernier, Austin Recovery Center, Austin, Texas. Ms. Tavernier indicates that Petitioner attended Continuing Care from 9/19/01 through 2/28/02, and completed thirty-three (33) sessions of Individual, Group, and Family sessions. While attending, Petitioner interacted very well with peers and staff, and demonstrated an enthusiasm for gaining information in regards to her addiction. Petitioner completed goals and objectives outlined for Level IV Services and showed ability to communicate her desire to stay sober.

7.6. Letter of support, dated October 4, 2002, submitted by Rita A. Reed, Assistant Administrator, Woodland Springs Nursing Center, Waco, Texas. Ms. Reed wishes to express her sincere desire for consideration in allowing Petitioner to continue her career in the field of nursing. Ms. Reed feels that her insight into Petitioner's ability to perform admirably, comes from over fifteen (15) years of working in the long term care industry and the professional and personal relationship in which she has come to know Petitioner over the past three (3) years. Petitioner's dedication to patient care, rights, concern for their health and well being, and competent work practices make her a much valued and needed professional in the health care industry. Ms. Reed feels that Petitioner's past transgressions were a result of personal issues that have since been resolved through professional intervention. At no time has Ms. Reed known any actions of the Petitioner to cause or even develop suspicion of patient neglect or incompetence.

7.7. Letter of support, dated October 4, 2002, submitted by Karen Sweatt, Arlington, Texas. Ms. Sweatt states she has known and worked with Petitioner for the past six (6) years. She has supervised Petitioner in many areas covering various health milieus. Petitioner is a very conscientious and astute nurse. Her knowledge and skills in the nursing arena remain above average and consistent.

7.8. Letter of support, submitted by Carla Johnson. Ms. Johnson states she has had the pleasure of sponsoring and working side by side with Petitioner for the past four (4) years. In Ms. Johnson's fourteen (14) years of being in recovery and helping other addicts, Petitioner is one of the strongest and most determined persons she's ever met.

7.9. Letter of support, dated October 8, 2002, submitted by Edward Blalock, Streetman, Texas. Mr. Blalock states Petitioner has been through much in her attempt to obtain a life without alcohol and in doing so, has become a source of inspiration to him. As a recovering alcoholic, it has been a blessing for him to watch Petitioner grow in her life of sober living. Mr. Blalock asks that the Board give Petitioner opportunity to do what she loves most, to continue nursing again.

7.10. Documentation of Support Group meetings dated from September 20, 2001 through November 26, 2001.

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

8. Petitioner's date of sobriety, as indicated in the Petition for Reinstatement, is August 17, 2001.

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 Board of Nurse Examiners, that the petition of BEVERLY KAY MESSENGER (BLALOCK), license number 583616, to practice professional 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 Professional 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 professional 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 completed the following pre-licensure conditions and obtained a license to practice professional 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 professional nursing in the State of Texas. The refresher course shall include: 1) the role of the professional nurse: 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 24-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(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 conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to BEVERLY KAY MESSENGER (BLALOCK), shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within one (1) year of entry of this Order, 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 shall include Registered 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. 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.

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL

SETTING, UNDER THE FOLLOWING STIPULATIONS FOR THREE AND ONE HALF (3-1/2) YEARS OF EMPLOYMENT. PETITIONER SHALL WORK A MINIMUM OF SIXTY-FOUR (64) HOURS A MONTH FOR TWELVE (12) CONSECUTIVE MONTHS. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE, OR WHERE DIRECT PATIENT CARE IS NOT PROVIDED, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(7) PETITIONER SHALL notify each present employer in professional 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 present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in professional 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.

(8) PETITIONER SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. 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 professional nurse.

(9) For the first year of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and readily 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.

(10) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN 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.

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

(12) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional 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.

(13) 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 professional nurse.

(14) 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 professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for three and one half (3-1/2) years of employment as a professional nurse.

(15) 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.

(16) 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
Barbiturate	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.

(17) 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 professional 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 professional 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17 day of March, 2003.

Beverly Kay Messenger (Blalock)

BEVERLY KAY MESSENGER (BLALOCK), Petitioner

Sworn to and subscribed before me this 17 day of March, 2003.

SEAL

Mariena Sowders

Notary Public in and for the State of Texas

MARIENA SOWDERS
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
09-30-2006

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 17th day of March, 2003, by BEVERLY KAY MESSENGER (BLALOCK), license number 583616, and said Order is final.

Effective this 24th day of April, 2003.

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

DOCKET NUMBER 507-01-1546

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 583616	§	OF
ISSUED TO	§	
BEVERLY KAY MESSENGER	§	ADMINISTRATIVE HEARINGS

ORDER OF THE BOARD

TO: Beverly Kay Messenger
2024 Aspen Drive
Lewisville, Texas 75067

During open meeting held in Austin, Texas, the Board of Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. 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 **583616**, previously issued to **BEVERLY KAY MESSENGER**, to practice professional nursing in the State of Texas be, and the same is hereby, **REVOKED**.

IT IS FURTHER ORDERED that Permanent Certificate Number 583616, previously issued to BEVERLY KAY MESSENGER, 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 ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 12th day of June, 2001.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY: Katherine A. Thomas

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

SOAH DOCKET NOS.
507-01-1532, 507-01-1533, 507-01-1535, 507-01-1536, 507-01-1537, 507-01-1538, 507-01-1539, 507-01-1540, 507-01-1542, 507-01-1543, 507-01-1544, 507-01-1545, 507-01-1546, 507-01-1547, 507-01-1549, 507-01-1550, 507-01-1551, 507-01-1552, 507-01-1553, 507-01-1626, 507-01-1627, and 507-01-0773

TEXAS STATE BOARD OF NURSE EXAMINERS,	§	**BEFORE THE STATE OFFICE**
Petitioner	§	
	§	
V.	§	**OF**
	§	
CERTAIN LICENSEES OF THE BOARD,	§	
	§	
Respondents	§	**ADMINISTRATIVE HEARINGS**

PROPOSAL FOR DECISION

Staff of the Texas State Board of Nurse Examiners (Board) seeks discipline against several of the Board's licensees (Respondents) for violating various provisions of the Nursing Practice Act (Act), TEX. OCC. CODE ANN. ch. 301,[1] and the Board's rules. Despite being sent proper notice, none of the Respondents appeared or were represented at the hearing. Based on the Respondents' failure to appear, Staff's allegations were accepted as true and established the violations. The Administrative Law Judge agrees with Staff's recommendation that Respondents' nursing licenses should be revoked.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

The Board has jurisdiction to discipline its licensees for violations of the Act or its rules pursuant to § 301.453 of the Act. The State Office of Administrative Hearings (SOAH) has jurisdiction to hear the Board's disciplinary cases and issue proposals for decisions pursuant to TEX. GOV'T. CODE ANN. ch. 2003 and § 301.454 of the Act.

On January 30 and 31, 2001, and February 1, 2001, Staff sent notices of hearing to the last known address in the Board's records for each Respondent listed on the Attachment. The notice of hearing stated the date, time, and location of the hearing, referenced the applicable rules and statutes, and contained a short, plain statement of the factual basis for the allegations.

On March 1, 2001, the hearing in this matter convened before SOAH Administrative Law Judge (ALJ) Carol Wood in the SOAH Hearings Facility in Austin, Texas. Staff was represented by Assistant General Counsel Phong P. Phan. After introducing evidence sufficient to establish

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[1] The Nursing Practice Act was formerly found at TEX. REV. CIV. STAT. ANN. art. 4525 (Vernon Supp. 1999). It is now codified in the TEX. OCC. CODE ANN. ch. 301, effective September 1, 1999. The codification made no substantive changes to the Act, and all citations to the Act in the body of the Proposal and in the Attachment will be to the Occupations Code.

jurisdiction and notice, Staff moved for a default pursuant to 1 TEX. ADMIN. CODE § 155.55. Based on Respondents' failure to appear, the ALJ granted the default and deemed all Staff's factual allegations true. The record remained open to March 5, 2001, to receive proposed Findings of Fact and Conclusions of Law from Staff.

II. RECOMMENDATION

The ALJ recommends that a default be entered against all the Respondents listed on the Attachment and that those Respondents' nursing licenses be revoked, based on the deemed facts set forth in the Findings of Fact and Conclusions of Law presented below.

III. FINDINGS OF FACT

1. The persons listed on the Attachment hereto (Respondents) hold licenses issued by the Texas State Board of Nurse Examiners (Board) to practice professional nursing.

2. By notices of hearing sent January 30 and 31, 2001, and February 1, 2001, the Board's Staff (Staff) notified Respondents that formal charges had been filed and a disciplinary hearing had been scheduled in this matter. The notices of hearing were sent by first class mail and by certified mail, return receipt requested, to each Respondent's last known address as contained in the Board's records.

3. The notices of hearing informed each Respondent of the allegations, the right to appear and be represented by counsel, the time and place of the hearing, the statutes and rules involved, and the factual basis for the allegations. The notice further provided in boldface type: **"FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT."**

4. Respondents did not appear and were not represented at the hearing held March 1, 2001, in Austin, Texas.

5. Based on Respondents' failure to appear at the hearing, Staff moved for default as authorized by 1 TEX. ADMIN. CODE § 155.55.

6. Staff's motion for default was granted, and Staff's allegations against each Respondent were deemed true.

7. Each Respondent violated certain provisions of the Act and the Board's rules as listed in the Attachment hereto.

8. Staff recommended each Respondent's license be revoked.

IV. CONCLUSIONS OF LAW

1. The Texas State Board of Nurse Examiners (Board) has jurisdiction over this matter pursuant to the Nursing Practice Act (the Act), TEX. OCC. CODE ANN. § 301.453 (Vernon 2001).

2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this matter, including the authority to issue a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T. CODE ANN. ch. 2003 (Vernon 2001) and § 301.454 of the Act.

3. Based on Findings of Fact Nos. 2 and 3, each Respondent listed on the Attachment hereto received proper and timely notice of the intention to institute disciplinary action and of the hearing, pursuant to TEX. GOV'T. CODE ANN. §§ 2001.051 and 2001.054(c) (Vernon 2001).

4. Based on Finding of Fact No. 7, each Respondent violated certain provisions of the Act and the Board's rules as set out in the Attachment hereto.

5. Based on the Findings of Fact Nos. 2 - 4 and Conclusion of Law No. 3, a default should be entered against each Respondent pursuant to 1 TEX. ADMIN. CODE § 155.55 (2001).

6. Based on Conclusions of Law Nos. 4 and 5, the license of each Respondent to practice professional nursing should be revoked, pursuant to § 301.453 of the Act.

SIGNED this 3rd day of May, 2001.

Carol Wood

CAROL WOOD
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

SOAH DOCKET No. RESPONDENT and PERMANENT CERTIFICATE No.	SUMMARY OF VIOLATION(S)	STATUTE AND/OR RULE VIOLATED	DISCIPLINARY ACTION
507-01-1546 Beverly Kay Messenger 583616	CHARGE I On or about February 10, 1998, while employed at Advanced Temporaries, Inc., Fort Worth, Texas, and on duty at All Saints Episcopal Hospital, Fort Worth, Texas, Respondent withdrew Morphine, Diazepam and Furosemide from the Pyxis for twelve different patients who were not assigned to her. Respondent failed to collaborate with the members of the health team regarding the administration of medications. Respondent's conduct was likely to injure patients. CHARGE II On or about February 10, 1998, while employed at the above noted entity and on duty at the above noted facility, Respondent withdrew Morphine from the Pyxis at 1724 for Patient # 262414. This patient was discharged from the facility at 1720. Respondent's conduct was likely to defraud the patient and the public. CHARGE III On or about February 10, 1998, while employed at the above noted entity and on duty at the above noted facility, Respondent withdrew Morphine from the Pyxis at 1657 for Patient # 242401. This patient had been transferred to another unit (B4N) at 1545. Respondent's conduct was likely to defraud the patient and the public. CHARGE IV On or about February 10, 1998, while employed at the above noted entity and on duty at the above noted facility, Respondent withdrew Morphine on three different occasions and Furosemide on one occasion for Patient # 208311, who had expired earlier that day (i.e., prior to the withdrawal of the medications) on February 10, 1998. Respondent's conduct was likely to defraud patients and the public. CHARGE V On or about February 10, 1998, while employed at the above noted entity and on duty at the above noted facility, Respondent misappropriated Morphine belonging to the facility and patients thereof. Respondent's conduct was likely to defraud patients and the public.	TEX. OCC. CODE ANN. § 301.452(b)(9), (10), and (13) and 22 TEX. ADMIN. CODE §§ 217.11(12) and 217.13(1), (3), (5), and (15)	Revocation

SOAH DOCKET No. RESPONDENT and PERMANENT CERTIFICATE No.	SUMMARY OF VIOLATION(S)	STATUTE AND/OR RULE VIOLATED	DISCIPLINARY ACTION
Beverly Kay Messenger (con't)	CHARGE VI On or about February 10, 1998, while employed at the above noted entity and on duty at the above noted facility, Respondent engaged in the intemperate use of Morphine. Possession of Morphine is prohibited by Chapter 481 of the TEX.HEALTH & SAFETY CODE ANN. (Controlled Substances Act). The use of Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.	TEX. OCC. CODE ANN. § 301.452(b)(9), (10), and (13) and 22 TEX. ADMIN. CODE §§ 217.11(12) and 217.13(1), (3), (5),and (15)	Revocation
507-01-1547 Lara Shipp 643788	CHARGE I On or about January 18, 2000, Respondent failed to comply with the Agreed Order issued to her by the Board of Nurse Examiners for the State of Texas on December 8, 1999. Non-compliance is the result of Respondent's failure to apply and be accepted into the Texas Peer Assistance Program for Nurses within 45 days of entry of the Order issued December 8, 1999.	TEX. OCC. CODE ANN. § 301.452(b)(1)	Revocation