IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 720058	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
PEGGY ANN TOMLINSON	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: Peggy Ann Tomlinson
1127 Elm Street
Ottawa, Kansas 66067

During open meeting held in Austin, Texas, on December 9, 2008, 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 professional 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 720058, previously issued to PEGGY ANN TOMLINSON, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 720058, previously issued to PEGGY ANN TOMLINSON, 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 multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this **9th** day of **December**, **2008**.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Re: Permanent Certificate Number 720058
Issued to PEGGY ANN TOMLINSON
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17 day of December, 2008, 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):

Peggy Ann Tomlinson
1127 Elm Street
Ottawa, Kansas 66067

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 720058, Issued to	§	
PEGGY ANN TOMLINSON, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, PEGGY ANN TOMLINSON, is a Registered Nurse holding license number 720058, which is in MSR License-TX Invalid 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 June 24, 2006, while employed with Liberty Dialysis- Lancaster, Lancaster, Texas, Respondent lacked fitness to practice professional nursing in that Respondent contacted her supervisor by telephone after her shift had begun and left a message in which Respondent's speech was slurred, she was crying, and asking for someone to help her. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(T), and 22 TEX. ADMIN. CODE §217.12(1)(E)&(5).

CHARGE II.

On or about July 25, 2006, while employed with Liberty Dialysis- Lancaster, Lancaster, Texas, Respondent engaged in the intemperate use of Methadone in that Respondent submitted a specimen for a drug screen which resulted positive for Methadone. The use of Methadone 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5)&(10)(A).

CHARGE III.

On or about August 3, 2006, while employed with Liberty Dialysis- Lancaster, Lancaster, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she exhibited the following behavior, including but not limited to: slurred speech, walking slowly; unstable and shuffling her feet; her hands were shaking; she was not following commands; her eyes were glazed over; and she was swaying back and forth while sitting in a chair. Respondent was relieved from duty and driven home by a staff member. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(T), and 22 TEX. ADMIN. CODE §217.12(1)(E)&(5).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of 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. and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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).

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CONTINUED ON NEXT PAGE.

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 Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder which can be found at the Board's website, www.bon.state.tx.us.

Filed this 23rd day of October, 2008.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
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