BEFORE THE TEXAS BOARD OF NURSING

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| | | |
|---|---|---|
| In the Matter of Registered Nurse License Number 722574 | § | |
| & Vocational Nurse License Number 179370 | § | AGREED |
| issued to LUCILLE ANNA MARIE SANTOS | § | ORDER |

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 Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of LUCILLE ANNA MARIE SANTOS, Registered Nurse License Num 722574 and Vocational Nurse License Number 179370, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on September 27, 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 waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas which is in delinquent status.

4. Respondent received an Certificate in Nursing from San Jacinto College South, Houston, Texas, on December 13, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on February 15, 2001. Respondent received an Associate Degree in Nursing from San Jacinto College South, Houston, Texas on August 11, 2005. Respondent was licensed to practice professional nursing in the State of Texas on December 22, 2005.

5. Respondent's professional and vocational nursing employment history includes:

| | | |
|---|---|---|
| 02/2001 - 03/2005 | LVN | Mainland Medical Center<br>Texas City, Texas |
| 04/2005 - 05/2005 | Employment history unknown. | |
| 06/2005 - 12/2005 | RN | Triumph Hospital<br>Webster, Texas |
| 2006 | RN | Maxim Healthcare<br>Houston, Texas |
| 2006 - 2008 | RN | Park Plaza Hospital<br>Houston, Texas |
| 12/2008 - Present | RN | Sandcastle Dialysis<br>Texas City, Texas |

6. On August 11, 2008, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated August 11, 2008, is attached and incorporated, by reference, as part of this Order.

7. At the time of the incidents, Respondent was employed as a Registered Nurse with Sandcastle Dialysis, Texas City, Texas, and had been in this position for six (6) months.

8. On or about June 4, 2009, while employed as a Registered Nurse with Sandcastle Dialysis, Texas City, Texas, Respondent engaged in the intemperate use of Alcohol, in that she produced a specimen for a random drug screen requested by the TPAPN, that resulted positive for Alcohol. Additionally, Respondent admitted to drinking Alcohol with her family in the weeks prior to the test. The use of Alcohol 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 patients in potential danger.

9. On our about June 4, 2009, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on August 11, 2008. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract. Stipulation number three (3) of the Order dated August 11, 2008, states that:

   > (3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

   On June 18, 2009, Respondent was dismissed from TPAPN and referred to the Board.

10. In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent states: "I admit to drinking Alcohol and testing positive for the same while participating in TPAPN. However, I have been sober since this incident. I recognize that it was my responsibility to refrain from the consumption of Alcohol while on TPAPN."

11. Respondent's last known date of sobriety is June 4, 2009, as indicated in Finding of Fact Number Eight (8).

12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to 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(1)(A),(4),(5),(9),(10)(A) &(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 722574 and Vocational Nurse License Number 179370, heretofore issued to LUCILLE ANNA MARIE SANTOS, including revocation of Respondent's license to practice professional and vocational nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 722574 and Vocational Nurse License Number 179370, previously issued to LUCILLE ANNA MARIE SANTOS, to practice professional and vocational nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

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

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 nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply 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 this Order.

(2) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas 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) 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. 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 may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL pay a monetary fine and monitoring fee in the amount of seven hundred fifty dollars ($750). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. 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.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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 REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:**

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

(5) 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.

(6) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another 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.

(7) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse 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.

(8) RESPONDENT SHALL NOT practice as a 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 nurse.

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

(11) 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 nursing. These reports shall be completed by the 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 two (2) of employment as a nurse.

(12) 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.**

(13) 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 are 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 nurse licensure compact 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 to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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## RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6th day of DEC., 2010.

LUCILLE ANNA MARIE SANTOS, Respondent

Sworn to and subscribed before me this 6th day of DEC., 2010.

SEAL
ROBERT H. MILLER
Notary Public, State of Texas
My Commission Expires:
06/25/2011

Notary Public in and for the State of TEXAS

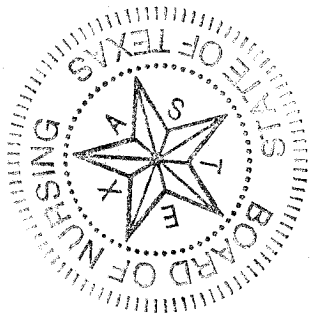
Approved as to form and substance.

Dan Lype, Attorney for Respondent

Signed this 8 day of December, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 6th day of December, 2010, by LUCILLE ANNA MARIE SANTOS, Registered Nurse License Number 722574 and Vocational Nurse License Number 179370, and said Order is final.

Effective this 27th day of January, 2011.




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

BEFORE THE TEXAS BOARD OF NURSING

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|---|---|---|
| In the Matter of Registered Nurse License Number 722574 and Vocational Nurse License Number 179370 issued to LUCILLE ANNA MARIE SANTOS | §<br>§<br>§<br>§ | AGREED<br><br><br>ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LUCILLE ANNA MARIE SANTOS, Registered Nurse License Number 722574 and Vocational Nurse License Number 179370, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 20, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

## 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 waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas, and holds a license to practice vocational nursing in the State of Texas which is currently in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from San Jacinto College South, Houston, Texas, on December 13, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on February 15, 2001. Respondent received an Associate Degree in Nursing from San Jacinto College South, Houston, Texas, on August 5, 2005. Respondent was licensed to practice professional nursing in the State of Texas on December 22, 2005.

5. Respondent's vocational and professional nursing employment history includes:

| | | |
|---|---|---|
| 02/01 - 03/05 | LVN | Mainland Medical Center<br>Texas City, Texas |
| 04/05 - 05/05 | unknown | |
| 06/05 - 12/05 | LVN | Triumph Hospital Clear Lake<br>Webster, Texas |
| 01/06 - present | unknown | |

6. On or about January 25, 2005 through March 7, 2005, while employed at Mainland Medical Center, Texas City, Texas, Respondent withdrew medications from the Acudose Medication Dispensing System for patients, but failed to accurately and completely document the administration of this medication in the patients' Medication Administration Record (MAR) and/or Nurses Notes, as follows:

| Date | Patient MR# | Physician's Order | Medication Dispensing System Record (Acudose) Time and Quantity | Medication Administration Record | Nurses Notes |
|---|---|---|---|---|---|
| 1-25-05 | 205500 | Tylox 1 cap po Q 4 hrs PRN | Oxycodone/Acetaminophen 5-500 mg capsule 0302 (1) | No Entry | No Entry |
| 1-25-05 | 205500 | Tylox 1 cap po Q 4 hrs PRN | Oxycodone/Acetaminophen 5-500 mg capsule 2217 (1) | No Entry | No Entry |
| 2-11-05 | 229607 | Demerol 12.5 mg IV Q 2 hrs PRN | Meperdine HCL 25mg 0723 (1) | No Entry | No Entry |
| 2-13-05 | 392213 | Lortab 7 500 1tab po Q 4 hrs PRN | Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 0915 (1) | No Entry | No Entry |
| 2-13-05 | 392213 | Lortab 7 500 1 tab po Q 4 hrs PRN | Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 1506 (1) | No Entry | No Entry |
| 2-13-05 | 392213 | Lortab 7 500 1 tab po Q 4 hrs PRN | Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 1711 (1) | No Entry | No Entry |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0210 (2) | No Entry | No Entry |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0836 (1) | No Entry | No Entry |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1233 (2) | No Entry | No Entry |

| | | | | | |
|---|---|---|---|---|---|
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1314 (1) | No Entry | No Entry |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1315 (1) | No Entry | No Entry |
| 2-26-05 | 197164 | Ativan 0.25mg po 2x daily | Lorazepam 0.5 mg udtab 0803 (1) | No Entry | No Entry |
| 3-7-05 | 395024 | Demerol 100mg IM q 3hrs PRN pain | Meperdine HCL 100mg 1046 (1) | No Entry | No Entry |
| 3-7-05 | 395024 | Demerol 100mg IM q 3hrs PRN pain | Meperdine HCL 100mg 1316 (1) | No Entry | No Entry |
| 3-7-05 | 395024 | Demerol 100mg IM q 3hrs PRN pain | Meperdine HCL 100mg 1948 (1) | No Entry | No Entry |

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

7. On or about February 21, 2005, while employed at Mainland Medical Center, Texas City, Texas, Respondent withdrew Norco from the Acudose Medication Dispensing System for Patient Medical Record Number 354236 without a valid physician's order, as follows:

| Date | Patient MR# | Physician's Order | Medication Dispensing System Record (Acudose) Time and Quantity | Medication Administration Record | Nurses Notes |
|---|---|---|---|---|---|
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0210 (2) | No Entry | No Entry |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0836 (1) | No Entry | No Entry |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1233 (2) | No Entry | No Entry |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1314 (1) | No Entry | No Entry |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1315 (1) | No Entry | No Entry |

Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that the administration of Norco without a physician's order could result in the patient suffering from adverse reactions.

8. On or about January 21, 2005 through March 7, 2005, while employed at Mainland Medical Center, Texas City, Texas, Respondent withdrew medications from the Acudose Pyxis Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

| Date | Patient MR# | Physician's Order | Medication Dispensing System Record (Acudose) Time and Quantity | Medication Administration Record | Wastage |
|---|---|---|---|---|---|
| 1-19-05 | 372624 | Meperdine HCL 75mg IV q 4 hrs PRN | Meperdine 50mg 2126 (2) | Meperdine 75mg 2059 (1) | Not Documented |
| 1-25-05 | 205500 | Tylox 1 cap po Q 4 hrs PRN | Oxycodone/Acetaminophen 5-500 mg capsule 0302 (1) | No Entry | Not Documented |
| 1-25-05 | 205500 | Tylox 1 cap po Q 4 hrs PRN | Oxycodone/Acetaminophen 5-500 mg capsule 2217 (1) | No Entry | Not Documented |
| 2-11-05 | 229607 | Demerol 12.5 mg IV Q 2 hrs PRN | Meperdine HCL 25mg 0723 (1) | No Entry | Not Documented |
| 2-13-05 | 392213 | Lortab 7 500 1tab po Q 4 hrs PRN | Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 0915 (1) | No Entry | Not Documented |
| 2-13-05 | 392213 | Lortab 7 500 1 tab po Q 4 hrs PRN | Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 1506 (1) | No Entry | Not Documented |
| 2-13-05 | 392213 | Lortab 7 500 1 tab po Q 4 hrs PRN | Hydrocodone Bitartrate/APAP 7.5 - 500mg tab 1711 (1) | No Entry | Not Documented |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0210 (2) | No Entry | Not Documented |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 0836 (1) | No Entry | Not Documented |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1233 (2) | No Entry | Not Documented |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1314 (1) | No Entry | Not Documented |
| 2-21-05 | 354236 | No Order | Hydrocodone Bitartrate/APAP 10-325 mg 1 tab 1315 (1) | No Entry | Not Documented |
| 2-26-05 | 197164 | Ativan 0.25mg po 2x daily | Lorazepam 0.5 mg udtab 0803 (1) | No Entry | Not Documented |
| 2-26-05 | 197164 | Ativan 0.25mg po 2x daily | Lorazepam 0.5 mg udtab 0811 (1) | Ativan 0.25mg 0833 (1) | Not Documented |
| 3-7-05 | 395024 | Demerol 100mg IM q 3hrs PRN pain | Meperdine HCL 100mg 1046 (1) | No Entry | Not Documented |
| 3-7-05 | 395024 | Demerol 100mg IM q 3hrs PRN pain | Meperdine HCL 100mg 1316 (1) | No Entry | Not Documented |
| 3-7-05 | 395024 | Demerol 100mg IM q 3hrs PRN pain | Meperdine HCL 100mg 1948 (1) | No Entry | Not Documented |

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

9. On or about November 30, 2005 to December 1, 2005, while employed at Triumph Hospital Clear Lake, Webster, Texas, Respondent withdrew medications from the Medication Dispensing System for patients, but failed to accurately and completely document the administration of this medication in the patients' Medication Administration Record and/or Nurses Notes, as follows:

| Date | Patient MR# | Physician's Order | Medication Dispensing System Record<br>Time and Quantity | Medication Administration Record | Nurses Notes |
|---|---|---|---|---|---|
| 11-30-05 | 537 | No Order | Xanax 0.5mg<br>2000 (1) | No Entry | No Entry |
| 11-30-05 | 319 | No Order | Ambien 10mg<br>2030 (1) | No Entry | No Entry |
| 11-30-05 | 537 | No Order | Ambien 5mg<br>2200 (1) | No Entry | No Entry |
| 11-30-05 | Non-Existent Patient | No Order | Demerol 50mg<br>2200 (1) | No Entry | No Entry |
| 11-30-05 | Non-Existent Patient | No Order | Demerol 25mg<br>2200 (1) | No Entry | No Entry |
| 11-30-05 | 531 | Ambien 5mg po q hs prn for insomnia | Ambien 5 mg<br>2245 (1) | No Entry | No Entry |
| 11-30-05 | 319 | No Order | Norco 5<br>2335 (2) | No Entry | No Entry |
| 12-1-05 | Non-Existent Patient | No Order | Demerol 25mg<br>0100 (1) | No Entry | No Entry |
| 12-1-05 | Non-Existent Patient | No Order | Demerol 50mg<br>0200 (1) | No Entry | No Entry |
| 12-1-05 | 319 | No Order | Norco 5<br>0315 (2) | No Entry | No Entry |
| 12-1-05 | 537 | No Order | Xanax 0.5mg<br>0330 (1) | No Entry | No Entry |
| 12-1-05 | 472 | No Order | Demerol 25mg<br>0400 (1) | No Entry | No Entry |
| 12-1-05 | 472 | No Order | Demerol 25mg<br>0700 (1) | No Entry | No Entry |

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

10. On or about November 30, 2005 to December 1, 2005, while employed at Triumph Hospital Clear Lake, Webster, Texas, Respondent withdrew medications from the Medication Dispensing System for patients without a valid physician's order, as follows:

| Date | Patient MR# | Physician's Order | Medication Dispensing System Record<br>Time and Quantity | Medication Administration Record | Nurses Notes |
|---|---|---|---|---|---|
| 11-30-05 | 537 | No Order | Xanax 0.5mg<br>2000 (1) | No Entry | No Entry |
| 11-30-05 | 319 | No Order | Ambien 10mg<br>2030 (1) | No Entry | No Entry |
| 11-30-05 | 537 | No Order | Ambien 5mg<br>2200 (1) | No Entry | No Entry |
| 11-30-05 | Non-Existent Patient | No Order | Demerol 50mg<br>2200 (1) | No Entry | No Entry |
| 11-30-05 | Non-Existent Patient | No Order | Demerol 25mg<br>2200 (1) | No Entry | No Entry |
| 11-30-05 | 319 | No Order | Norco 5<br>2335 (2) | No Entry | No Entry |
| 12-1-05 | Non-Existent Patient | No Order | Demerol 25mg<br>0100 (1) | No Entry | No Entry |
| 12-1-05 | Non-Existent Patient | No Order | Demerol 50mg<br>0200 (1) | No Entry | No Entry |
| 12-1-05 | 319 | No Order | Norco 5<br>0315 (2) | No Entry | No Entry |
| 12-1-05 | 537 | No Order | Xanax 0.5mg<br>0330 (1) | No Entry | No Entry |
| 12-1-05 | 472 | No Order | Demerol 25mg<br>0400 (1) | No Entry | No Entry |
| 12-1-05 | 472 | No Order | Demerol 25mg<br>0700 (1) | No Entry | No Entry |

Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that the administration of medications without a physician's order could result in the patient suffering from adverse reactions.

11. On or about November 30, 2005 to December 1, 2005, while employed at Triumph Hospital Clear Lake, Webster, Texas, Respondent withdrew medications from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

| Date | Patient MR# | Physician's Order | Medication Dispensing System Record (Acudose)<br>Time and Quantity | Medication Administration Record | Wastage |
|---|---|---|---|---|---|
| 11-30-05 | 537 | No Order | Xanax 0.5mg<br>2000 (1) | No Entry | Not Documented |
| 11-30-05 | 319 | No Order | Ambien 10mg<br>2030 (1) | No Entry | Not Documented |
| 11-30-05 | 537 | No Order | Ambien 5mg<br>2200 (1) | No Entry | Not Documented |

| | | | | | |
|---|---|---|---|---|---|
| 11-30-05 | Non-Existent Patient | No Order | Demerol 50mg 2200 (1) | No Entry | Not Documented |
| 11-30-05 | Non-Existent Patient | No Order | Demerol 25mg 2200 (1) | No Entry | Not Documented |
| 11-30-05 | 531 | Ambien 5mg po q hs prn for insomnia | Ambien 5 mg 2245 (1) | No Entry | Not Documented |
| 11-30-05 | 491 | Acetominophen/ Hydrocodone po 1-2 tabs q 6 hrs | Norco 10 2300 (2) | 10mg 2300 (1) | Not Documented |
| 11-30-05 | 319 | No Order | Norco 5 2335 (2) | No Entry | Not Documented |
| 12-1-05 | Non-Existent Patient | No Order | Demerol 25mg 0100 (1) | No Entry | Not Documented |
| 12-1-05 | Non-Existent Patient | No Order | Demerol 50mg 0200 (1) | No Entry | Not Documented |
| 12-1-05 | 319 | No Order | Norco 5 0315 (2) | No Entry | Not Documented |
| 12-1-05 | 537 | No Order | Xanax 0.5mg 0330 (1) | No Entry | Not Documented |
| 12-1-05 | 472 | No Order | Demerol 25mg 0400 (1) | No Entry | Not Documented |
| 12-1-05 | 472 | No Order | Demerol 25mg 0700 (1) | No Entry | Not Documented |

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

12. On or about June 18, 2008, while employed with Park Plaza Hospital and Medical Center, Houston, Texas, Respondent admitted to removing medications from the pyxis medication dispensing system for patients without a valid physician's order.

13. On or about June 18, 2008, while employed with Park Plaza Hospital and Medical Center, Houston, Texas, Respondent admitted to removing medications from the pyxis medication dispensing system for patient, but failed to accurately and completely document its administration in the patient's medication administration record and/or nurses notes. Additionally, Respondent failed to document wastage of the unused portions of the medications.

14. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

15. The Board finds that there exists serious risk to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

16. On or about June 20, 2008, Respondent stated to the Board that she has a substance abuse problem and wants to participate in the Texas Peer Assistance Program for Nurses (TPAPN).

17. Respondent's conduct described in Finding of Fact Numbers Six (6) to Thirteen (13) was significantly influenced by Respondent's impairment by dependency on chemicals.

18. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

## CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Sections 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)(C)(D) and 217.12(1)(B),(4),(10)(B)(C)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 722574 and Vocational Nurse License Number 179370, heretofore issued to LUCILLE ANNA MARIE SANTOS, including revocation of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

## ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized licenses issued to LUCILLE ANNA MARIE SANTOS, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry

of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his/her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

## 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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29th day of JULY, 20 08.

Lucille Anna-Marie Santos

LUCILLE ANNA MARIE SANTOS, Respondent

Sworn to and subscribed before me this 29th day of JULY, 20 08.

SEAL
ROBERT H. MILLER
Notary Public, State of Texas
My Commission Expires:
06/25/2011

Robert H. Miller

Notary Public in and for the State of TEXAS

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 29th day of July, 20 08, by LUCILLE ANNA MARIE SANTOS, Registered Nurse License Number 722574, Vocational Nurse License Number 179370, and said Order is final.

Entered and effective this 11th day of August, 20 08.

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