BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 753258	§	
issued to AMY K. WILMOTH	§	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 Bo considered the matter of AMY K. WILMOTH, Registered Nurse License Number 753 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 4, 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 representation by counsel, 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.

4. Respondent received an Associate Degree in Nursing from Del Mar College, Corpus Christi, Texas, on December 7, 2007. Respondent was licensed to practice professional nursing in the State of Texas on April 15, 2008.

5. Respondent's complete professional nursing employment history includes:

02/06-04/08	Student Nurse Technician	Christus Health Systems Corpus Christi, Texas

Respondent's complete professional nursing employment history includes (continued):

04/08-10/08	RN	CHRISTUS Health Systems Corpus Christi, Texas
10/08-Present	RN	Island Home Healthcare Port Aransas, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with CHRISTUS Health Systems, Corpus Christi, Texas, and assigned to CHRISTUS Spohn Hospital- Shoreline, Corpus Christi, Texas, and had been in this position for approximately six (6) months.

7. On or about September 7, 2008, while employed as a Registered Nurse with CHRISTUS Spohn Hospital- Shoreline, Corpus Christi, Texas, Respondent withdrew Lorazepam from the Medication Dispensing System for a patient without a valid physicians' orders, as follows:

Patient	Date	Time Pulled	Medication	Time on MAR	Documentation on Nurses Notes/ Pain Flow Sheets	Waste	Order
1001259	09/07/08	1604	Lorazepam 2Mg 1Ml Vial (1)	None	None	None	None

Respondent's conduct was likely to injure the patient in that the administration of Lorazepam without a valid physician's order could result in the patients experiencing adverse reactions.

8. On or about July 13, 2008, through September 13, 2008, while employed as a Registered Nurse with CHRISTUS Spohn Hospital- Shoreline, Corpus Christi, Texas, Respondent withdrew Ativan and Demerol from the Medication Dispensing System for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or nurse's notes, as follows:

Patient	Date	Time Pulled	Medication	Time on MAR	Documentation on Nurses Notes/ Pain Flow Sheets	Order
987580	07/13/08	1840	Lorazepam 2Mg 1Ml Vial (1)	None	None	Ativan 1mg IVP
989558	07/23/08	0147	Lorazepam 2Mg 1Ml Vial (1)	None	None	Ativan 1mg IV
993977	08/08/08	0916	Lorazepam 2Mg 1Ml Vial (1)	None	None	Ativan 1/2mg IV
1001227	09/07/08	1040	Lorazepam 2Mg 1Ml Vial (1)	1050	None	Ativan 1mg IV PRN anxiety
10011217	09/07/08	1215	Lorazepam 2Mg 1Ml Vial (1)	None	None	Ativan .5mg Iv q 6 hours PRN anxiety
1001259	09/07/08	1604	Lorazepam 2Mg 1Ml Vial (1)	1601*	None	None
1002260	09/13/08	1618	Meperidine 25Mg 1Ml Syr (1)	None	None	Demerol 25mg IVP q 6 hours PRN

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

9. On or about July 13, 2008, through September 14, 2008, while employed as a Registered Nurse with CHRISTUS Spohn Hospital- Shoreline, Corpus Christi, Texas, Respondent withdrew Ativan, Morphine and Demerol from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications, as follows:

Patient	Date	Time Pulled	Medication	Time on MAR	Documentation on Nurses Notes/ Pain Flow Sheets	Waste	Order
987580	07/13/08	1840	Lorazepam 2Mg 1Ml Vial (1)	None	None	None	Ativan 1mg IVP
989558	07/23/08	0147	Lorazepam 2Mg 1Ml Vial (1)	None	None	None	Ativan 1mg IV
992814	08/03/08	1636	Lorazepam 2Mg 1Ml Vial (1)	1635	None	None	Ativan 1mg IV
993977	08/08/08	0916	Lorazepam 2Mg 1Ml Vial (1)	None	None	None	Ativan 1/2mg IV
993977	08/08/08	1554	Morphine Inj 2Mg 1Ml Vial (1)	1545	Morphine 1mg IVP	None	Morphine 1mg q 2 hour PRN pain
1001227	09/07/08	1040	Lorazepam 2Mg 1Ml Vial (1)	1050	None	None	Ativan 1mg IV PRN anxiety
10011217	09/07/08	1215	Lorazepam 2Mg 1Ml Vial (1)	None	None	None	Ativan .5mg Iv q 6 hours PRN anxiety
1001259	09/07/08	1604	Lorazepam 2Mg 1Ml Vial (1)	1601*	None	None	None
1002260	09/13/08	1618	Meperidine 25Mg 1Ml Syr (1)	None	None	None	Demerol 25mg IVP q 6 hours PRN
1002396	09/14/08	1459	Lorazepam 2Mg 1Ml vial (1)	1450	Ativan 1mg IVP	None	Ativan 1mg IVP

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).

10. On or about July 13, 2008, through September 14, 2008, while employed as a Registered Nurse with CHRISTUS Spohn Hospital- Shoreline, Corpus Christi, Texas, Respondent misappropriated Ativan, Morphine and Demoral from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patient of the cost of the medications.

11. In Response to Finding of Fact Numbers Seven (7) through Ten (10), Respondent states she is unaware of any wrongdoing on her part and to the best of her recollections, she has never failed to document any medication administered to a patient or administered a medication without a doctor's order. Additionally, Respondent states that she cannot recall wasting any medication improperly.

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

CONCLUSIONS OF LAW

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

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(B)&(C),(4),(6)(A),(G)&(H),(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 753258, heretofore issued to AMY K. WILMOTH, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and 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.

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, 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.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, 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 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. 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*.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT 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. The didactic portion of this course shall be a

minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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*.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, 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, RESPONDENT 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. Information regarding this workshop may be found at the following web address: *http://www.learningext.com/products/generalce/critical/ctabout.asp*.

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 STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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 STIPULATION PERIOD:

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

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

(7) RESPONDENT SHALL be supervised by a Registered 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. Respondent is exempt from this stipulation while employed with Island Home Healthcare, Inc., Port Aransas, Texas.

(8) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(9) 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 Registered 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) month period for one (1) year of employment as a nurse.

(10) 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.**

(11) 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. 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 stipulation 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 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 Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 01 day of December, 20 10.

Amy K. Wilmoth

AMY K. WILMOTH, Respondent

Sworn to and subscribed before me this 1 day of December, 20 10.

SEAL

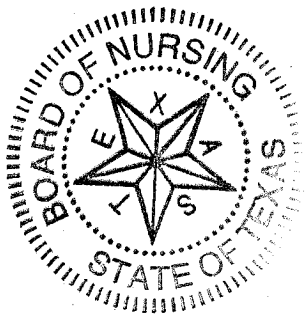
CANDY GAIL PREZAS
Notary Public, State of Texas
My Commission Expires
October 21, 2014

Candy Gail Prezas

Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 1st day of December, 2010, by AMY K. WILMOTH, Registered Nurse License Number 753258, and said Order is final.

Effective this 27th day of January, 2011.



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