

In the Matter of Permanent License
Number 647166, Issued to
NANCY ANN MCVEY, Respondent

§ BEFORE THE 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.
Patricia P. Thomas
Executive Director of the Board

ORDER OF TEMPORARY SUSPENSION

TO: Nancy Ann McVey
7007 Beckett Rd.
Austin, Texas 78749

A public meeting was held on December 22, 2010 at 1 PM, of the Texas Board of Nursing (BON), at 333 Guadalupe, Room 2-225, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 647166, issued to NANCY ANN MCVEY, was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented information and evidence concerning whether the conduct of NANCY ANN MCVEY requires temporary suspension under Section 301.4551, TEXAS OCCUPATIONS CODE.

After review and due consideration of the evidence and information presented and the questions, the Board finds that the following charges are substantiated:

CHARGE I.

On or about October 19, 2010, while licensed as a Registered Nurse in the State of Texas and subject to a Board Order and TPAPN participation agreement in which she agreed to abstain from the use of alcohol, Respondent engaged in the intemperate use of Alcohol, in that she admitted she had relapsed and consumed Alcohol. The use of Alcohol by a Registered Nurse, whose licensure is dependant upon the nurse's participation in an alcohol abstention program, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing patients 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)&(11)(B).

CHARGE II.

On or about October 19, 2010, while licensed as a Registered Nurse in the State of Texas, Respondent lacked fitness to practice professional nursing, in that she was hospitalized for suicidal ideation. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing patients in potential danger.

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

CHARGE III.

On or about October 19, 2010, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on April 26, 2010. Non-compliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract. Stipulation number three (3) of the Order dated April, 26, 2010, states:

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

Respondent was dismissed from the TPAPN program on October 20, 2010.

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

After review and due consideration of the evidence and allegations presented during the open meeting regarding the Respondent's fitness to practice, the Texas Board of Nursing finds that the continued practice of nursing by NANCY ANN MCVEY is not appropriate, and that the temporary suspension of Registered Nurse License No. 647166 is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 647166, issued to NANCY ANN MCVEY, to practice nursing in the State of Texas be, and the same is hereby, SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than fourteen (14) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 22nd day of December, 2010.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 647166, Issued to §
NANCY ANN MCVEY, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, NANCY ANN MCVEY, is a Registered Nurse holding license number 647166, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about October 19, 2010, while licensed as a Registered Nurse in the State of Texas and subject to a Board Order and TPAPN participation agreement in which she agreed to abstain from the use of alcohol, Respondent engaged in the intemperate use of Alcohol, in that she admitted she had relapsed and consumed Alcohol. The use of Alcohol by a Registered Nurse, whose licensure is dependant upon the nurse's participation in an alcohol abstention program, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing patients 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)&(11)(B).

CHARGE II.

On or about October 19, 2010, while licensed as a Registered Nurse in the State of Texas, Respondent lacked fitness to practice professional nursing, in that she was hospitalized for suicidal ideation. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX.

ADMIN. CODE §217.12(1)(A),(5)&(10)(A).

CHARGE III.

On or about October 19, 2010, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on April 26, 2010. Non-compliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract. Stipulation number three (3) of the Order dated April, 26, 2010, states:

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

Respondent was dismissed from the TPAPN program on October 20, 2010.

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

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary 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.

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

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and

described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated December 9, 1997 and Agreed Order dated April 26, 2010.

Filed this 22 day of December, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated December 9, 2007 and Order of the Board dated April 26, 2010.

0999/D

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 647166 §
issued to NANCY ANN MCVEY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NANCY ANN MCVEY, Registered Nurse License Number 647166, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 17, 2010, 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 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 Southern Illinois University, Edwardsville, Illinois, on May 1, 1984. Respondent was licensed to practice professional nursing in the State of Texas on December 30, 1997.
5. Respondent's professional nursing employment history includes:

12/1997 - 04/2003

RN

Seton Medical Center
Austin, Texas

Respondent's professional nursing employment history continued:

| | | |
|-------------------|-----------------------------|---|
| 04/2003 - 10/2005 | RN | Austin Surgical Hospital Austin, Texas |
| 10/2005 - 09/2007 | RN | Seton Medical Center Austin, Texas |
| 05/2007 - 09/2008 | RN | Northwest Surgery Center Austin, Texas |
| 09/2008 - 05/2009 | Employment history unknown. | |
| 05/2009 - 12/2009 | RN | Westoaks Rehab Center Austin, Texas |
| 12/2009 - Present | Employment history unknown. | |

6. On December 9, 1997, Respondent was issued an Order of Conditional Eligibility by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and December 9, 1997 Conditional Order of Eligibility is attached and incorporated, by reference, as part of this Order.
7. At the time of the incident, Respondent was employed as a Registered Nurse with Northwest Surgery Center, Austin, Texas, and had been in this position for one (1) year and four (4) months.
8. On or about September 12, 2008, while employed as a Registered Nurse with Northwest Surgery Center, Austin, Texas, Respondent signed out Dilaudid (Hydromorphone) on the Controlled Substance Record for patients but failed to follow the facility's policy and procedures for wastage of the medication. 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 September 12, 2008, while employed as a Registered Nurse with Northwest Surgery Center, Austin, Texas, Respondent misappropriated Dilaudid from the facility and patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications.
10. On or about September 12, 2008, while employed as a Registered Nurse with Northwest Surgery Center, Austin, Texas, Respondent engaged in the intemperate use of Hydromorphone, in that she produced a specimen for a drug screen that resulted positive for Hydromorphone. Possession of Hydromorphone, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use

of Hydromorphone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

11. In response to Findings of Fact Numbers Eight (8) through Ten (10), Respondent states: "I have been quite remorseful in diverting the Dilaudid from my place of employment. Taking the drug was never intended. I just know it took away extreme pain. I was too ashamed and embarrassed to ask my DON for help and eventually my pride brought about consequences."
12. On or about September 28, 2009, while employed as a Registered Nurse with West Oaks Rehab and Healthcare Center, Austin, Texas, Respondent engaged in the intemperate use of Alcohol, in that she produced a specimen for a random drug screen requested by the Texas Peer Assistance Program for Nurses (TPAPN), which resulted positive for EtG. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
13. On or about October 16, 2009, while employed as a Registered Nurse with West Oaks Rehab and Healthcare Center, Austin, Texas, Respondent engaged in the intemperate use of Alcohol, in that she produced a specimen for a random drug screen requested by the Texas Peer Assistance Program for Nurses (TPAPN), which resulted positive for EtG. . The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
14. In response to Findings of Fact Numbers Twelve (12) and Thirteen (13), Respondent states: "I was successful for one year with TPAPN, I followed their directions. After that year, I picked up a drink and eventually had 2 positive screens for alcohol. I was employed with West Oaks Rehab. My performance was exceptional, without any complaints or concerns. I never reported to work under the influence. I did place myself in alcohol rehab voluntarily and completed successfully. I continue to go to AA, outpatient/aftercare meetings, work with my sponsor, and service work."
15. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
16. 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.
17. Respondent's conduct described in Findings of Fact Numbers Eight (8) through Fourteen (14) 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 Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(T) and 217.12(1)(E),(4),(5),(6)(G),(8),(10)(A),(C),(E)&(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 647166, heretofore issued to NANCY ANN MCVEY, including revocation of Respondent's license to practice 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 license issued to NANCY ANN MCVEY, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(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 (\$500.00) 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 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 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 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 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.

RESPONDENT'S CERTIFICATION

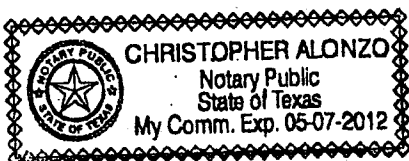
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13 day of April, 2010.

Nancy Ann McVeey
NANCY ANN MCVEY, Respondent

Sworn to and subscribed before me this 13 day of April, 2010.

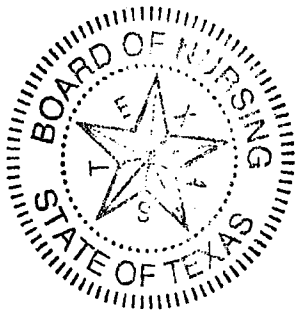
SEAL




[Signature]
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 13th day of April, 2010, by NANCY ANN MCVEY, Registered Nurse License Number 647166, and said Order is final.

Entered and effective this 26th day of April, 2010.




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

2002 647166

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

| | | |
|---|---|--------------|
| In the Matter of | § | ELIGIBILITY |
| NANCY ANN TWEEDY MCVEY | § | |
| Applicant for Eligibility for Licensure | § | AGREED ORDER |

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of NANCY ANN TWEEDY, Applicant for Licensure by Endorsement, hereinafter referred to as Applicant.

Information received by the Board produced evidence that Applicant may have violated Article 4525(b)(7), Revised Civil Statutes of Texas, as amended. Applicant waived representation by counsel, informal conference, notice, hearing and agreed to the entry of this Order offered on September 29, 1997, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. On or about August 21, 1997, Applicant submitted an application for Temporary License/Registration by Endorsement as a professional nurse in the State of Texas in compliance with Article 4521(a), Revised Civil Statutes of Texas, as amended.
2. Applicant waived representation by counsel, informal conference, notice and hearing, and consented to the entry of this order.
3. Applicant received an Associate Degree in Nursing from Kaskaskia College, Centralia, Illinois in May of 1984.
4. Applicant completed the application for licensure by endorsement and answered "Yes" to question number nine (9), which reads as follows: "Have you ever had disciplinary action taken against you by a licensing/certifying authority for nurses(RN/LVN/PN or Nurse Aide) in any state, province, territory or country?"
5. On or about December 8, 1989, Applicant's license to practice professional nursing in the State of Illinois was placed on probation for two (2) years.
6. On or about April 27, 1993, Applicant's license to practice professional nursing in the State of Illinois was suspended for five (5) years.

7. On or about February 4, 1997, Applicant's license to practice professional nursing in the State of Illinois was reinstated with probation conditions for two (2) years.
8. On or about February 19, 1991, Applicant's license to practice professional nursing in the State of Missouri was placed on probation for three (3) years.
9. On or about October 11, 1991, Applicant's license to practice professional nursing in the State of Missouri was revoked.
10. Applicant completed the application for licensure by endorsement and answered "Yes" to question number twelve (12), which reads as follows: "Have you been addicted or treated for the use of alcohol or any other drug within the past five (5) years?"
11. On or about July 7, 1995, Applicant admitted herself to La Hacienda Treatment Center, Hunt, Texas, for her alcohol addiction. Applicant was dismissed from in patient treatment on July 17, 1995, and was discharged to a halfway house. Applicant was discharged from the halfway house on August 4, 1995. Applicant continues with La Hacienda's aftercare recommendations which include regular support group attendance.
12. Applicant's sobriety date is 07/01/95.
13. Applicant has been advised by the Board that incomplete or incorrect disclosures to the Board or a subsequent discovery of a basis for ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Article 4525(a), Revised Civil Statutes of Texas, as amended.
2. Applicant has submitted an application in compliance with Article 4521(a), Revised Civil Statutes of Texas, as amended.
3. The evidence in Finding of Fact number five (5) is sufficient cause to take disciplinary action under Article 4525(b)(7), Revised Civil Statutes of Texas, as amended, and, therefore, sufficient cause to deny licensure under Article 4525(a).
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Article 4525(d), Revised Civil Statutes of Texas, as amended.

5. This Order is conditioned upon the accuracy and completeness of Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and disciplinary action.

AGREED CONDITIONS

IT IS THEREFORE AGREED that the application of NANCY ANN TWEEDY is hereby conditionally GRANTED and shall be subject to the following conditions:

- (1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.
- (2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas which shall bear the appropriate notation. APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Art. 4513 et. seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 et. seq. and this order.
- (3) APPLICANT SHALL, within one (1) year of licensure, successfully complete a course in nursing jurisprudence. APPLICANT 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 must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content should include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT 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 APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, SHOULD APPLICANT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, APPLICANT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR TWO AND ONE-HALF (2½) YEARS OF EMPLOYMENT:

(4) APPLICANT SHALL notify all potential employers in professional nursing of this Order of the Board and the stipulations on APPLICANT's license. APPLICANT SHALL present a copy of this Order to each potential employer prior to accepting an offer of employment.

(5) APPLICANT SHALL CAUSE each potential employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(6) For the first six (6) months of employment as a Registered Nurse, APPLICANT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as APPLICANT and readily available to provide assistance and intervention. APPLICANT SHALL work only on regularly assigned, identified and predetermined unit(s). The APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation period APPLICANT 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 APPLICANT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. APPLICANT SHALL work only regularly assigned, identified and predetermined unit(s). APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the first six (6) months of employment as a registered nurse APPLICANT 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 assigned unit(s).

(9) For the first six (6) months of employment as a registered nurse APPLICANT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan or other synthetic opiates.

(10) APPLICANT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to APPLICANT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the APPLICANT. These reports shall be submitted to the office of the Board at the end of each three (3) months for two and one-half (2½) years of employment as a professional nurse.

(11) **APPLICANT SHALL** abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, **APPLICANT 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.

(12) **APPLICANT SHALL** submit to random periodic screens for controlled substances 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/probation 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 |
| Barbiturates | Methadone |
| Benzodiazepines | Methaqualone |
| Cocaine Metabolites | Opiates |
| Ethanol | Phencyclidine |
| Hydrocodone | Propoxyphene |
| Marijuana Metabolites | |

A Board representative may appear at the **APPLICANT's** place of employment at any time during the stipulation period and collect a specimen for screening. That specimen will be screened for all of the above substances as well as Butorphanol Tartrate (Stadol), Dezocine (Dalgan), and Nalbuphine Hydrochloride (Nubain).

All screens shall be properly monitored and production of specimen personally observed by the employer's designee. A complete chain of custody shall be maintained for each specimen obtained and analyzed.

APPLICANT SHALL CAUSE the employer/laboratory to send the written results of each random screen to the Office of the Board within five (5) days of the date that the screen is analyzed. If any screen tests positive for alcohol and/or controlled substances Nubain, Stadol, Dalgan or other synthetic opiates, for which the APPLICANT does not have a valid prescription, the employer/laboratory shall report such results to the Board Office on the day that the results are received by calling (512) 305-6834 and reporting the positive results to the Monitoring Investigator.

(13) APPLICANT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. APPLICANT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the APPLICANT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the APPLICANT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until APPLICANT is dismissed from therapy.

(14) APPLICANT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and APPLICANT 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 APPLICANT. APPLICANT 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.

IS FURTHER AGREED, that upon full compliance with the terms of this order, APPLICANT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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APPLICANT'S CERTIFICATE

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application 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 conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Article 4518 §2 and §3 and Article 4525(a) and (b), Texas Revised Civil Statutes, Annotated, as amended, and Board Rules at 213.27 and 213.28, 22 Texas Administrative Code which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Board of Nurse Examiners.

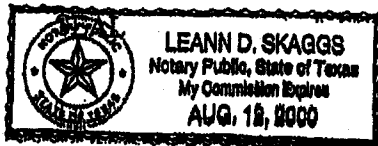
I understand that I can be represented by an attorney in this matter. I waive representation, notice and hearing and request that the Board of Nurse Examiners enter this Order.

Signed this 12 day of November 1997.

Nancy Ann Tweedy
NANCY ANN TWEEDY

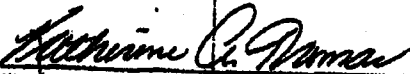
Sworn to and subscribed before me by the said Nancy Ann Tweedy this 12th day of November, 1997.

Leann D. Skaggs
Notary Public in and for
the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Eligibility Agreed Order that was signed on the 12th day of November, 1997, by NANCY ANN TWEEDY, Applicant, and said order is final.

Effective this 9th day of December, 1997.


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