

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBERS 669520 & 74706
ISSUED TO
DEBRA ANN OVERSHINE

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF 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 A. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Debra Ann Overshine
3114 McKinney
Lamarque, Texas 77568

During open meeting held in Austin, Texas, on September 14, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas

Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Numbers 669520 and 74706, previously issued to DEBRA ANN OVERSHINE, to practice professional and vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 14th day of September, 2010.

TEXAS BOARD OF NURSING

BY:



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

Re: Permanent Certificate Numbers 669520 and 74706
Issued to DEBRA ANN OVERSHINE
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of September, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Debra Ann Overshine
3114 McKinney
Lamarque, Texas 77568

BY:



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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Numbers 669520 and 74706, Issued to §
DEBRA ANN OVERSHINE, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DEBRA ANN OVERSHINE, is a Registered Nurse holding license number 669520 which is in inactive status at the time of this pleading and a Vocational Nurse holding license number 74706, which is in delinquent 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 May 9, 2008 through July 27, 2008, while employed with Southwest Nurses, Houston, Texas, and on assignment with Clearlake Rehabilitation Hospital, Webster, Texas, Respondent used an access code belonging to another staff member to remove Meperidine (Demerol) and Morphine from the Medication Dispensing System (MedDispense). Respondent's conduct resulted in an inaccurate pharmacy record and was likely to defraud the facility and patients of the cost of the medications.

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(1)(B), (4),(6)(A),(8),(10)(B),(E)&(11)(B).

CHARGE II.

On or about May 9, 2008 through July 27, 2008, while employed with Southwest Nurses, Houston, Texas, and on assignment with Clearlake Rehabilitation Hospital, Webster, Texas, Respondent withdrew Morphine and Meperidine from the Medication Dispensing System (MedDispense) for patients, but failed to document the administration of the medications in the patients' Medication Administration Record (MAR) and Nurses Notes, as follows:

Date/Time	Patient	Physician's Order	MedDispense Record	MAR	Nurses Notes	Wastage
5/9/08 @ 1459	1026455	Morphine 1ml IVP Q2hrs PRN	Morphine 1ml	No	No	None
5/20/08 @ 0836	1026455	Morphine 1ml IVP Q2hrs PRN	Morphine 1ml	No	No	None
5/20/08 @ 1146	1026455	Morphine 1ml IVP Q2hrs PRN	Morphine 1ml	No	No	None
5/20/08 @ 1630	1026455	Morphine 1ml IVP Q2hrs PRN	Morphine 1ml	No	No	None

7/22/08 @ 0652	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/22/08 @ 1007	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/22/08 @ 1420	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/22/08 @ 1521	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/22/08 @ 1618	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/22/08 @ 1833	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/22/08 @ 1833	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/23/08 @ 0652	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/23/08 @ 0949	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/23/08 @ 1132	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/23/08 @ 1322	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/23/08 @ 1326	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/23/08 @ 1540	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/23/08 @ 1644	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/23/08 @ 1833	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/25/08 @ 0959	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/25/08 @ 1003	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/25/08 @ 1224	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/25/08 @ 1322	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/25/08 @ 1354	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/25/08 @ 1558	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/25/08 @ 1628	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/25/08 @ 1743	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/26/08 @ 0659	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/26/08 @ 0842	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/26/08 @ 1017	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/26/08 @ 1152	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/26/08 @ 1412	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/26/08 @ 1519	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/26/08 @ 1619	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/26/08 @ 1833	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/26/08 @ 1834	1027155	No order for Meperidine	Meperidine 1ml	No	No	None

7/27/08 @ 0658	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/27/08 @ 0731	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/27/08 @ 0813	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/27/08 @ 1021	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/27/08 @ 1132	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/27/08 @ 1328	1027155	No order for Meperidine	Meperidine 1ml	No	No	None
7/27/08 @ 1510	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/27/08 @ 1653	1027170	Morphine 1ml IVP Q hr PRN	Morphine 1ml	No	No	None
7/27/08 @ 1653	1027155	No order for Meperidine	Meperidine 1ml	No	No	None

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

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D) and 217.12(1)(A)&(4).

CHARGE III.

On or about May 9, 2008 through July 27, 2008, while employed with Southwest Nurses, Houston, Texas, and on assignment with Clearlake Rehabilitation Hospital, Webster, Texas, Respondent misappropriated Meperidine and Morphine belonging to the facility and/or the patients thereof. Possession of Meperidine and Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

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 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE IV.

On or about May 9, 2008 through July 27, 2008, while employed with Southwest Nurses, Houston, Texas, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on July 31, 2007. Non-compliance is the result of Respondent's failure to comply with all the requirements of the TPAPN contract during its term, including the required support group meeting attendance, drug screens, and her employment with a staffing agency in violation of the contract. Stipulation Number Three (3) of the Agreed Order dated July 31, 2007 states that:

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

On August 13, 2008, Respondent was dismissed from TPAPN and referred to the Board. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated July 31, 2007, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

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 Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft & Deception, 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.

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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated July 31, 2007.

Filed this 6th day of August, 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
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Robert Kyle Hensley, Assistant General Counsel
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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 July 31, 2007

0999/D

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License	§	
Number 669520 and Vocational Nurse	§	AGREED
License Number 74706, issued to	§	ORDER
DEBRA ANN OVERSHINE	§	

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DEBRA ANN OVERSHINE, Registered Nurse License Number 669520 and Vocational Nurse License Number 74706, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 301.452(b)(10) and 302.402(a)(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on January 18, 2007, 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 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 in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from College of the Mainland, Texas City, Texas, in August 1977, and received an Associate Degree in Nursing from College of the Mainland, Texas City, Texas, in May 2000. Respondent was licensed to practice vocational nursing in the State of Texas on May 19, 1977 and was licensed to practice professional nursing in the State of Texas on June 27, 2000.

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

08/77 - 06/04	GVN/LVN/RN Staff Nurse/Charge Nurse Emergency Department	Mainland Medical Center Texas City, Texas
07/04 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Charge Nurse in the Emergency Department with Mainland Medical Center, Texas City, Texas, and had been in this position for twenty-six (26) years and ten (10) months.
7. On or about April 15, 2001, through June 8, 2004, while employed with Mainland Medical Center, Texas City, Texas, Respondent passed two hundred and two (202) unauthorized prescriptions for dangerous drugs and controlled substances, including Hydrocodone and Vicoprofen at Walgreens Pharmacy, La Marque, Texas, Eckerd Drug (CVS Pharmacy), Texas City, Texas, Kroger Pharmacy, Texas City, Texas, and K-Mart Pharmacy, Texas City, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of controlled substances, including Hydrocodone, Vicoprofen, and HC-Ibuprofen, and through use of unauthorized prescriptions is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act), and possession of dangerous drugs through use of unauthorized prescription is prohibited by Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act).
8. On October 18, 2006, Respondent plead Nolo Contendere to the offense of "Possession of a Controlled Substance PG3<28G" a class A Misdemeanor, in the County Court of Law No. 3 of Galveston County, Texas, cause number 261279. Respondent was issued a Deferred Adjudication Order and placed on community supervision for a period of twenty-four (24) months.
9. On October 18, 2006, Respondent plead Nolo Contendere to the offense of "Insurance Fraud" a class A Misdemeanor, in the County Court of Law No. 3 of Galveston County, Texas, cause number 241245. Respondent was issued a Deferred Adjudication Order and placed on community supervision for a period of twenty-four (24) months.
10. 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.
11. 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.
12. Charges were filed on February 10, 2006.
13. Charges were mailed to Respondent on February 13, 2006.

14. Respondent's conduct described in Finding of Fact Number Seven (7) resulted from Respondent's impairment by dependency on chemicals.
15. 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) & 302.402(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) & (21), and 22 TEX. ADMIN. CODE §239.11(5) & (28).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 669520 and Vocational Nurse License Number 74706, heretofore issued to DEBRA ANN OVERSHINE, including revocation of Respondent's licenses 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, 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 contract to the Board of Nurse Examiners.

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privileges without the written permission of the State of Texas 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.

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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 violation 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 Board of Nurse Examiners, 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 professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 27th day of July, 2007.

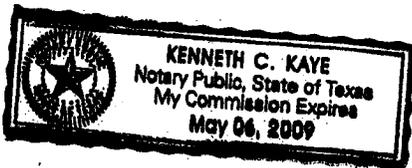
Debra Ann Overshine

DEBRA ANN OVERSHINE, Respondent

Sworn to and subscribed before me this 27th day of July, 2007.

SEAL

Kenneth C. Kaye
Notary Public in and for the State of Texas



Kenneth C. Kaye
Approved as to form and ~~substance~~ ^{only} *DK*

Kenneth C. Kaye, Attorney for Respondent

Signed this 27th day of July, 2007.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 27th day of July, 2007, by DEBRA ANN OVESHINE, Registered Nurse License Number 669520 and Vocational Nurse License Number 74706, and said Order is final.

Entered and effective this 31st day of July, 2007.



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