BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§
License Number 139579	§
issued to ANN YVONNE OWERS	§

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

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 139579, issued to ANN YVONNE OWERS, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Certificate from Victoria College-CT, Victoria, Texas on August 18, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992.

4. Respondent's vocational nursing employment history includes:

12/1992 - 4/1993	LVN	Incarnate Word Convent Victoria, Texas
4/1993 - 5/1994	LVN	South Brook Manor Edna, Texas

Respondent's vocational nursing employment history (continued):

5/1994 - 10/1996	LVN	Citizens Medical Center Victoria, Texas
4/1996 - 1997	LVN	Melody Home Care Victoria, Texas
1997 - 9/2000	LVN	Dr. Juan Posada Unknown
10/2000 - 9/2003	LVN	Dr. Nancy Zatopeck Unknown
9/2003 - 10/2004	LVN	Dr. Quadri Victoria, Texas
10/2004 - 9/2008	LVN	Dr. Sabbagh - Victoria Cancer Center Victoria, Texas
9/2008 - 2/2009	LVN	Victoria Nursing and Rehab Victoria, Texas
2/2009 - 2/2010	LVN	Whispering Oaks Manor Cuero, Texas
3/2010 - Present	Unknown	

5. In a letter dated May 19, 2010, Respondent was notified by the Board of the following allegation:

   On or about February 24, 2010 while employed with Whispering Oaks Manor, Cuero, Texas, Respondent engaged in the intemperate and/or unlawful use of Opiates, Benzodiazepines and Cannabinoids in that she submitted a specimen for a random drug screen which resulted positive for Opiates, Benzodiazepines and Cannabinoids. She also admitted to smoking Cannabinoids. Possession of *Opiates, Benzodiazepines and Cannabinoids* is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of *Opiates, Benzodiazepines and Cannabinoids* by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

6. On September 3, 2010 Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's notarized statement, dated August 25, 2010, is attached and incorporated herein by reference as part of this Order.

7. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

8. 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 a violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(D),&(11)(B).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 139579, heretofore issued to ANN YVONNE OWERS, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 3rd day of September, 2010.

TEXAS BOARD OF NURSING

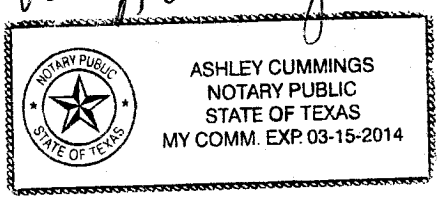
By: _____

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

To Texas Board of nursing

8-25-10

I Ann Owens at this time voluntary surrender nursing license (LVN).

Ann G. Owens 8/25/10

Ashley Cummings