IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 640083	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
VANCE NILES KOWALIK	§	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

TO: Vance Niles Kowalik
117 Cypress Willow
Cibolo, Texas 78108

During open meeting held in Austin, Texas, on August 17, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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 license to practice professional 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 § 213.2(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 Number 640083, previously issued to VANCE NILES KOWALIK, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 640083, previously issued to VANCE NILES KOWALIK, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

BOARD OF NURSING STATE OF TEXAS

Entered this **17th** day of **August**, **2010**.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Re: Permanent Certificate Number 640083
Issued to VANCE NILES KOWALIK
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of August, 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):

Vance Niles Kowalik
117 Cypress Willow
Cibolo, Texas 78108

BOARD OF NURSING
STATE OF TEXAS
TEXAS

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 640083, Issued to	§	
VANCE NILES KOWALIK, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, VANCE NILES KOWALIK, is a Registered Nurse holding license number 640083, 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 January 12, 2007, while employed with Southwest General Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of alcohol in that Respondent submitted a specimen for a drug screen which resulted positive for Ethanol. 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 patient in potential danger.

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

CHARGE II.

On or about January 12, 2007, while employed with Southwest General Hospital, San Antonio, Texas, Respondent failed to comply with the Reinstatement Agreed Order issued to him on March 21, 2006, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of Respondent's intemperate us of alcohol in that he submitted a specimen for a drug screen which resulted positive for Ethanol which constitutes a failure to comply with Stipulation Number Sixteen (16) of the Order which states, in pertinent part that:

> (16) PETITIONER SHALL abstain from the consumption of alcohol....

A copy of the Finding of Fact, Conclusions of Law and Reinstatement Agreed Order dated March 21, 2006, 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) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE III.

On or about January 22, 2007, while employed with Southwest General Hospital, San Antonio, Texas, Respondent failed to comply with the Reinstatement Agreed Order issued to him on March 21, 2006, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of his failure to comply with Stipulation Number Seventeen (17) of the Order which states, in pertinent part:

> (17) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol....

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

CHARGE IV.

During December 27, 2007 through February 25, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Demerol (Meperidine) and Dilaudid (Hydromorphone) from the Pyxis Medication Dispensing System for patients but failed to document and/or accurately document the administration of the medications in the patients' Medication Administration Record (MAR), as follows:

Date/Time	Patient	Physician's Order	PYXIS Record	MAR	Wastage
12/27/07 @11:43am	**073510018**	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/27/07 @12:19pm	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/27/07 @1:10pm	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/27/07 @ 2:54pm	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/27/07 @ 3:19pm	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/27/07 @ 3:52pm	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/27/07 @ 5:18pm	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/28/07 @ 7:11am	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/28/07 @ 8:14am	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/28/07 @ 9:42am	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/28/07 @12:25pm	073510018	Lortab 1 5/500mg PO Q 4° PRN	1 Hydrocodone	No	None
12/28/07 @ 2:44pm	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/28/07 @ 6:55pm	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
12/29/07 @3:50pm	073510018	Meperidine 25mg IV Q 6° PRN	Meperidine 25mg	No	None
1/4/08 @ 9:18am	073510018	Meperidine 25mg IV Q 4° PRN	Meperidine 25mg	No	None

1/4/08 @ 9:40am	073510018	Meperidine 25mg IV Q 4° PRN	Meperidine 25mg	No	None
1/4/08 @ 9:51am	073510018	Meperidine 25mg IV Q 4° PRN	Meperidine 25mg	No	None
1/4/08 @ 11:13am	073510018	Meperidine 25mg IV Q 4° PRN	Meperidine 25mg	No	None
1/4/08 @ 4:17pm	073510018	Meperidine 25mg IV Q 4° PRN	Meperidine 25mg	No	None
1/4/08 @ 4:31pm	073510018	Meperidine 25mg IV Q 4° PRN	Meperidine 25mg	No	None
1/5/08 @ 9:06am	073510018	Meperidine 25mg IV Q 4° PRN	Meperidine 25mg	No	None
1/5/08 @ 10:09pm	073510018	Meperidine 25mg IV Q 4° PRN	Meperidine 25mg	No	None
1/4/08 @ 10:05am	**080010030**	Meperidine 25mg IV Q 2° PRN	Meperidine 25mg	No	None
1/4/08 @ 11:09am	080010030	Meperidine 25mg IV Q 2° PRN	Meperidine 25 mg	No	None
1/4/08 @ 2:08pm	080010030	Meperidine 25mg IV Q 2° PRN	Meperidine 25 mg	No	None
1/4/08 @ 5:13pm	080010030	Meperidine 25mg IV Q 2° PRN	Meperidine 25 mg	No	None
1/4/08 @ 6:20pm	080010030	No Order	Dilaudid 2 mg	No	None
1/5/08 @ 7:57am	080010030	No Order	Dilaudid 2 mg	No	None
1/5/08 @ 11:41am	080010030	No Order	Meperidine 25 mg	No	None
1/5/08 @ 6:05pm	080010030	No Order	Dilaudid 2 mg	No	None
1/4/08 @ 11:42am	**080010027**	Dilaudid 1-2mg IV Q 3-4° PRN	Dilaudid 2 mg	No	None
1/4/08 @ 12:34pm	080010027	Dilaudid 1-2mg IV Q 3-4° PRN	Dilaudid 2 mg	No	None
1/4/08 @ 2:29pm	080010027	Dilaudid 1-2mg IV Q 3-4° PRN	Dilaudid 2 mg	No	None
1/4/08 @ 4:38pm	080010027	Dilaudid 1-2mg IV Q 3-4° PRN	Dilaudid 2 mg	No	None
1/4/08 @ 6:20pm	080010027	Dilaudid 1-2mg IV Q 3-4° PRN	Dilaudid 2 mg	No	None
1/5/08 @ 7:36am	080010027	Dilaudid 1-2mg IV Q 3-4° PRN	Dilaudid 2mg	No	None
1/5/08 @ 9:43am	080010027	Dilaudid 1-2 mg IV Q 3-4° PRN	Dilaudid 2 mg	No	None
1/5/08 @ 12:10pm	080010027	Dilaudid 1-2 mg IV Q 3-4° PRN	Dilaudid 2 mg	No	None
1/11/08 @ 3:59pm	080010027	No Order	Dilaudid 4 mg	No	None
1/11/08 @ 4:56pm	080010027	No Order	Dilaudid 4 mg	No	None
1/11/08 @ 10:54am	**073520012**	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 10:56am	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 11:06am	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 11:40am	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 12:16pm	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None

1/11/08 @ 1:15pm	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 1:48pm	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 2:24pm	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
2/13/08 @ 9:18am	**080430006**	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/13/08 @ 10:42am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/13/08 @ 11:25am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/13/08 @ 11:30am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/13/08 @ 1:27pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/13/08 @ 2:20pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/13/08 @ 3:48pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/13/08 @ 5:03pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/13/08 @ 6:50pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 7:52am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 8:13am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 9:02am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 9:36am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 9:54am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 11:15am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 12:52pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 2:45pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 3:41pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 5:14pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/18/08 @ 6:58pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/19/08 @ 6:59am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/19/08 @ 7:18am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/19/08 @ 8:29am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/19/08 @ 9:14am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/19/08 @ 9:47am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/19/08 @ 10:14am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/19/08 @ 11:31am	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None

2/19/08 @ 2:15pm	080430006	Demerol 75mg IM Q 4-6° PRN	Meperidine 75 mg	No	None
2/22/08 @ 4:34pm	**080370008**	Demerol 75mg-100mg IV Q 3° PRN	Meperidine 100mg	No	None
2/22/08 @ 5:13pm	080370008	same	Meperidine 100mg	No	None
2/22/08 @ 6:17pm	080370008	same	Meperidine 100mg	No	None
2/22/08 @ 6:49pm	080370008	same	Meperidine 100mg	No	None
2/22/08 @ 6:50pm	080370008	same	Meperidine 75 mg	No	None
2/25/08 @ 7:29am	080370008	same	Meperidine 75 mg	No	None
2/25/08 @ 8:02am	080370008	same	Meperidine 75 mg	No	None
2/25/08 @ 8:22am	080370008	same	Meperidine 75 mg	No	None
2/25/08 @ 8:49am	080370008	same	Meperidine 75 mg	No	None
2/25/08 @ 9:13am	080370008	same	Meperidine 75 mg	No	None
2/25/08 @ 10:53am	080370008	same	Meperidine 75 mg	No	None
2/25/08 @ 12:49pm	080370008	same	Meperidine 75 mg	No	None
2/25/08 @ 2:29pm	080370008	same	Meperidine 75 mg	No	None
2/7/08 @ 7:42am	**080370011**	Demerol 25 mg IV Q 3-4° PRN moderate-severe Pain	Meperidine 25 mg	No	None
2/7/08 @ 10:14am	080370011	same	Meperidine 25 mg	No	None
2/7/08 @ 3:14pm	080370011	same	Meperidine 25 mg	No	None
2/7/08 @ 4:52pm	080370011	same	Meperidine 25 mg	No	None
2/7/08 @ 8:08am	**080370019**	Demerol 25mg IV Q 6° for pain	Meperidine 25 mg	No	None
2/7/08 @ 8:37am	080370019	Demerol 25mg IV Q 6° for pain	Meperidine 25 mg	No	None
2/7/08 @ 9:00am	080370019	Demerol 25mg IV Q 6° for pain	Meperidine 25 mg	No	None
2/7/08 @ 9:27am	080370019	Demerol 25mg IV Q 6° for pain	Meperidine 25 mg	No	None
2/7/08 @ 9:56am	080370019	Demerol 25mg IV Q 6° for pain	Meperidine 25 mg	No	None
2/7/08 @ 11:34pm	080370019	Demerol 25mg IV Q 6° for pain	Meperidine 25 mg	No	None
2/4/08 @ 9:28am	**080330002**	Dilaudid 1mg IV Q 4° PRN pain	Dilaudid 2 mg	No	None
2/4/08 @ 11:22am	080330002	Dilaudid 1mg IV Q 4° PRN pain	Dilaudid 2 mg	No	None
2/4/08 @ 2:00pm	080330002	Dilaudid 1mg IV Q 4° PRN pain	Dilaudid 2 mg	No	None
2/4/08 @ 4:41pm	080330002	Dilaudid 1mg IV Q 4° PRN pain	Dilaudid 2 mg	No	None

2/4/08 @ 6:46pm	080330002	Dilaudid 1mg IV Q 4° PRN pain	Dilaudid 2 mg	No	None
2/5/08 @ 7:03am	080330002	Dilaudid 1mg IV Q 4° PRN pain	Dilaudid 2 mg	No	None
2/4/08 @ 7:31am	080330002	Dilaudid 1mg IV Q 4° PRN pain	Dilaudid 2 mg	No	None
2/4/08 @ 12:25pm	080330002	Dilaudid 1mg IV Q 4° PRN pain	Dilaudid 2 mg	No	None
2/4/08 @ 5:27pm	080330002	Dilaudid 1mg IV Q 4° PRN pain	Dilaudid 2 mg	No	None
2/4/08 @ 6:30pm	080330002	Dilaudid 1mg IV Q 4° PRN pain	Dilaudid 2 mg	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) and (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D) and 217.12(1)(A),(4),(10)(B)&(11)(B).

CHARGE V.

During December 27, 2007 through February 25, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Demerol (Meperidine) and Dilaudid (Hydromorphone) from the Pyxis Medication Dispensing System for patients in excess frequency/dosage of the physician's order, as listed in the table above in Charge IV. Respondent's conduct was likely to injure the patients in that the administration of Demerol and Dilaudid in excess frequency/dosage of the physician's order could the result in the patients suffering from adverse reactions.

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

CHARGE VI.

During December 27, 2007 through February 25, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Demerol and Dilaudid belonging to the facility and/or the patients thereof, or failed to take precautions to prevent the misappropriation of the medications. Possession of Demerol and Dilaudid without a valid prescription 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 §217.12 (6)(G),(8)&(11)(B).

CHARGE VII.

On or about January 11, 2008 and February 5, 2008, while employed with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid and Meperidine from the Pyxis Medication Dispensing for patients who had been discharged from the facility, as follows:

Date/Time	Patient	Physician's Order	PYXIS Record	MAR	Wastage
1/11/08 @ 10:54am	**073520012**	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 10:56am	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 11:06am	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 11:40am	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 12:16pm	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 1:15 pm	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 1:48pm	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
1/11/08 @ 2:24pm	073520012	No Order Pt d/c home @9:43am	Meperidine 25 mg	No	None
2/5/08 @ 6:30pm	**080330002**	No Order Pt d/c home @6:14pm	Dilaudid 2 mg	No	None

Respondent's conduct was likely to defraud the facility and/or the patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) and (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(C) and 217.12(4),(6)(G)&(8).

CHARGE VIII.

On or about November 12, 2008, while employed with Baptist Health System, San Antonio, Texas, Respondent withdrew medications from the Pyxis Medication Dispensing System for patient Medical Record Number 0831100589, but failed to document the administration of the medications in the patient's Medication Administration Record, as follows:

Date/Time	Patient	Physician's Order	Pyxis Record	MAR	Wastage
11/12/08 @ 0934	0831100589	Carisoprodol (Soma) 350mg PO daily (Patient discharged on 11/12/08)	Soma 350mg tab	No	None
11/12/08 @ 0933	same	Hydromorphone 2mg IV Q 2 hrs PRN	Hydromorphone 2mg	No	None
11/12/08 @ 0944	same	Lorazepam .5mg PO Q 4-6 hrs PRN	Lorazepam .5mg tab	No	None
11/12/08 @ 1203	same	Meperidine 25mg IV Q 4 hrs PRN	Meperidine 50mg	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) and (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D) and 217.12(1)(A),(4),(10)(B)&(11)(B).

CHARGE IX.

On or about November 12, 2008, while employed with Baptist Health System, San Antonio, Texas, Respondent misappropriated medications, including Meperidine, Soma, Hydromorphone and Lorazepam or failed to take precautions to prevent the misappropriation of the medications belonging to the facility and/or the patients thereof. Respondent's conduct was likely to defraud the facility and patient 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 (6)(G),(8)&(11)(B).

CHARGE X.

On or about November 18, 2008, while employed with Baptist Health System, San Antonio, Texas, Respondent engaged in the intemperate use of Benzodiazepines and Propoxyphene in that Respondent submitted a specimen for a drug screen which resulted positive for Benzodiazepines and Propoxyphene. Possession of Benzodiazepines and Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Benzodiazepines and Propoxyphene 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 patient in potential danger.

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

CHARGE XI.

On or about November 18, 2008, while employed with Baptist Health System, San Antonio, Texas, Respondent engaged in the intemperate use of Alcohol, in that Respondent submitted two Breath Alcohol Tests which resulted positive for Alcohol at .089% and .084%. 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 patient in potential danger.

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

CHARGE XII.

On or about November 18, 2008, while employed with Baptist Health System, San Antonio, Texas, Respondent failed to comply with the Reinstatement Agreed Order issued to him on March 21, 2006 by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of Respondent's failure to abstain from the consumption of Drugs and Alcohol as evidenced by the positive drug screen and Breath Alcohol Tests. Stipulation Number Sixteen (16) of the Agreed Order dated March 21, 2006, states in pertinent part that:

> (16) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose....

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

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 October 16, 2001 and Agreed Order dated March 21, 2006.

Filed this 17th day of May, 20 10.

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
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Attachments: Orders of the Board dated October 16, 2001 and March 21, 2006.

0999/D

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of License Number 640083	§	AGREED
issued to VANCE KOWALIK	§	ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 640083, issued to VANCE KOWALIK, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

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

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, 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 from San Antonio College, San Antonio, Texas, on March 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas, on May 20, 1997.

5. Respondent's professional employment history includes:

4/97 - 8/97	GN/Staff Nurse Med-Surg/Telemetry	Huguley Health System Fort Worth, Texas

Respondent's professional employment history continued:

11/97-10/00	Staff Nurse Telemetry	Christus Santa Rosa Health Center San Antonio, Texas
1/01-4/01	Staff Nurse Telemetry	St. Lukes Baptist Hospital San Antonio, Texas
4/01-Present	Employment Unknown	

6. At the time of the incidents, Respondent was employed as a Staff Nurse in the Telemetry Unit of Christus Santa Rosa Health Center, San Antonio, Texas. Respondent had been in this position for two (2) years and eleven (11) months.

7. On or about October 13, 2000, while employed at Christus Santa Rosa Health Center, San Antonio, Texas, Respondent engaged in the intemperate use of Meperidine as evidenced by a positive drug screen for Meperidine. Possession of Meperidine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Meperidine 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 patient in potential danger.

8. Respondent, while employed at Christus Santa Rosa Health Center, San Antonio, Texas, signed out Demerol on the controlled substance record for patients but failed to document the administration of Demerol on the Medication Administration Record (MAR), withdrew Demerol for patients without a physician's order, and failed to document the wastage of Demerol, as follows:

Date	Patient	Time	Order	Controlled Substance Record	Wastage	MAR
10/10/00	RD0018379636	1900	None	2 Demerol 100mg	None	Not Documented
		2030	None	1 Demerol 100mg	None	Not Documented
		2200	None	2 Demerol 100mg	None	Not Documented
		2345	None	2 Demerol 50mg	None	Not Documented
10/11/00	RD0018379636	0000	None	2 Demerol 75mg	None	Not Documented
				2 Demerol 100mg	None	Not Documented
		0215	None	3 Demerol 75mg	None	Not Documented

				1 Demerol 75mg	None	Not Documented
		0430	None	1 Demerol 100mg	None	Not Documented
		0500	None	2 Demerol 75mg	None	Not Documented
		0530	None	2 Demerol 75mg	None	Not Documented
10/10/00	RD0018381103	1930	None	2 Demerol 50mg	None	Not Documented
		2230	None	2 Demerol 50mg	None	Not Documented
10/11/00	RD0018381103	0200	None	2 Demerol 50mg	None	Not Documented
		0030	None	2 Demerol 75mg	None	Not Documented
		0430	None	1 Demerol 100mg	None	Not Documented
		0530	None	1 Demerol 25mg	None	Not Documented
		0645	None	2 Demerol 100mg	None	Not Documented

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 and the administration of Demerol without a physician's order could result in the patient suffering from respiratory depression. Respondent's conduct was also likely to deceive the pharmacy regarding the wastage and constitutes a violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

9. 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.

10. 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 violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(3)(18)&(20).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 640083, heretofore issued to VANCE KOWALIK, including revocation of Respondent's professional license to practice nursing in the State of Texas.

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

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

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

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the voluntary surrender of License Number 640083, heretofore issued to VANCE KOWALIK, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to VANCE KOWALIK, to the office of the Board of Nurse Examiners.

2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

3. 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.

4. 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 multistate privilege, if any, to practice professional 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

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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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 11 day of October, 2001.

VANCE KOWALIK, Respondent

Sworn to and subscribed before me this 11 day of October, 2001.

SEAL

Notary Public in and for the State of California

MIRTA DELEON
MY COMMISSION EXPIRES
August 23, 2002

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 640083, previously issued to VANCE KOWALIK.

Effective this 16th day of October, 2001.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Registered Nurse	§	
License Number 640083	§	REINSTATEMENT
issued to VANCE KOWALIK	§	AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 640083, held by VANCE KOWALIK, hereinafter referred to as Petitioner.

An informal conference was held on January 24, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Carol Marshall, MSN, RN, Lead Nurse Consultant, Executive Director's Designee; James W. Johnston, General Counsel; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Desha Melton, RN, Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Petitioner received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on March 1, 1997. Petitioner was originally licensed to practice professional nursing in the State of Texas on May 20, 1997.

4. Petitioner's professional nursing employment history includes:

4/97 - 8/97	GN/Staff Nurse	Huguley Health System Fort Worth, Texas
11/97 - 10/00	Staff Nurse	Christus Santa Rosa Health Center San Antonio, Texas
1/01 - 4/01	Staff Nurse	St. Luke's Baptist Hospital San Antonio, Texas
4/01 - present	Not employed in nursing	

5. On October 16, 2001, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the October 16, 2001 Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On or about September 30, 2005, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of his petition:

7.1. Letter of support, dated September 13, 2005, from Cathy Chavez, states she worked with Petitioner at Santa Rosa Hospital, San Antonio, Texas, for about 4-5 years. Ms. Chavez states Petitioner was a great nurse, and she enjoyed working side by side with him. He had good people skills, a positive attitude, and a high sense of responsibility. Since Petitioner's drug dependency was discovered, he has faced the problem head on. Ms. Chavez was at the hospital when the discovery was made and she saw it as a cry for help because the amount of missing drugs was too great and it was too obvious. Since then, Petitioner has gotten the help he needed and he's dealt with the problems that lead him to the drug abuse. He is now ready to return to the profession which he not only loves, but one that he is great at.

7.2. Letter of support, dated September 20, 2005, from Gerard A. Mora, San Antonio, Texas, states he has known Petitioner for almost three (3) years and has been impressed with Petitioner's sincere, honest, and caring personality. When Mr. Mora first met Petitioner, he was told about Petitioner's agonizing decision to leave the nursing profession. Mr. Mora understood Petitioner's decision, but could not help but think about the tremendous loss to the nursing profession. Petitioner stands out as the type of person who would be an asset to any organization. Mr. Mora states Petitioner is the type of individual he would trust and want to have as his nurse for himself and his family.

7.3. Letter of support, dated September 20, 2005, from Michael D. Kallies, Adkins, Texas, states he has known Petitioner, his son-in-law, for six (6) years. He is a very sincere person. He cares about his fellow men, women, and children. Petitioner is involved in the ACTS group at church. Whatever is asked of him, he dedicates himself to do his best. Petitioner is a very hard worker and has excellent work ethics. Ms. Kallies feels Petitioner would be a great asset to the nursing profession.

7.4. Letter of support, dated September 23, 2005, from Jennifer Kowalik, states she has known Petitioner for the past twenty-five (25) years. Ms. Kowalik states she was not aware of how bad things were for Petitioner until the incident that occurred at Santa Rosa Hospital. The months that followed were the most difficult and trying times for Petitioner. He was depressed, felt hopeless, and was extremely remorseful for not only what he had done to himself, but to his fellow colleagues and patients. It was after much thought that Petitioner left the nursing profession. Petitioner's ambition in life is to help people. His knowledge, compassion, enthusiasm, and expertise will make him an asset to the nursing profession.

7.5. Letter of support, dated September 12, 2005, from Scott A. Lyon, states he has personally known Petitioner for over twenty-five (25) years. He is Mr. Lyon's closest friend and the godfather to his daughter. Petitioner is compassionate and enthusiastic in all that he does. He is very personable and has wonderful communication skills. Petitioner is also a great listener and motivator. He is the type of person you would hope to encounter in your time of need. Petitioner would be a great asset to the nursing field if he were reinstated.

7.6. Letter of support from Frank Harvey states he has known Petitioner for five (5) years. Mr. Harvey feels certain that Petitioner would be an asset to the nursing profession. He has the wit and personality, along with unique communication skills, that would serve the profession well. Should any member of Mr. Harvey's family ever require attention from a nurse, he would feel confident if Petitioner was that nurse.

7.7. Letter of support, dated September 22, 2005, from Frances Kallies, Adkins, Texas, states she is writing on behalf Petitioner, her son-in-law who is applying for reinstatement of his nursing license. Petitioner was an excellent nurse for many years and will be again. He loves to care for people, both in and out of nursing. He is a hard worker and very knowledgeable in what he does. Ms. Kallies hopes the Board will reinstate Petitioner's license, as he will be an asset to the nursing profession.

7.8. Letter of support, dated September 10, 2005, from Kathy Beaman, San Antonio, Texas, states she has known Petitioner for ten (10) years. During this time, Petitioner has distinguished himself as a conscientious and energetic person. Ms. Beaman has enormous respect and admiration of his nursing skills and has relied on his expertise and compassion many times. The nursing profession is ideally suited to Petitioner's talents. Ms. Beaman highly recommends Petitioner for the nursing profession and urges the Board to carefully consider his application.

7.9. Letter of support from Michael Castillo, President, AVTS Inc., San Antonio, Texas, states Petitioner is not only a personal friend but a wonderful colleague in the ACTS group. Petitioner has always been anxious and willing to offer his help and involvement when called upon. In the years that Mr. Castillo has known Petitioner, he's been a friend and a role model in many ways. It is Mr. Castillo's opinion that Petitioner has exemplified a huge amount of dependability and eagerness to serve. Mr. Castillo believes that the nursing community can really use a dedicated individual such as Petitioner.

7.10. Letter of support, dated September 22, 2005, from Louis B. Rios, states he has known Petitioner for three (3) years and has had the privilege of working with him on several projects within the church. Petitioner is an extremely knowledgeable and dedicated team player whose true concern for the betterment of the community is readily transmitted to all who work with him. Petitioner is a person of high moral character who sets a true Christian example for others to follow. Mr. Rios highly recommends Petitioner for the future nursing task he is pursuing.

7.11. Letter of support, dated September 12, 2005, from Robert D. Fields, states he has known Petitioner for twelve (12) years and can honestly say that he is someone who he completely respects. Petitioner is a very dynamic individual who believes in compassion, respect, hard work, and family. Mr. Fields has had the pleasure of working with Petitioner on various musical projects and can say that his dedication to the team makes him a great asset to anyone. His intelligence allows him to be extremely versatile, and his regards towards high quality is reflected in everything he does. Mr. Fields believes Petitioner is someone who would be a great asset to the field of nursing.

7.12. Letter of support from Stephanie Edmonds states she has known Petitioner for eighteen (18) years and is asking the Board to consider reinstating him in the field of nursing. Petitioner cares about people and will once again be an asset to the profession. Throughout the years, Petitioner has been a hard worker and made sure that he could provide for his family. He takes any job that he has had very seriously and always makes sure that the job is done well. Petitioner is a very honest and sincere person, which makes him a great candidate for the nursing profession.

7.13. Letter of support, dated September 20, 2005, from Richard Dennehy, San Antonio, Texas, states he has known Petitioner for a couple of years. Mr. Dennehy has worked several times with Petitioner and found him to be very conscientious in performing any job that is required of him. Mr. Dennehy has found Petitioner to have a dedication to helping people in both spiritual and physical instances. The nursing profession would gain a tremendous talent by his reinstatement.

7.14. Letter of support from Bernie J. Ball states he has known Petitioner for a few years in a variety of capacities. He has been involved with several church related functions. Petitioner is organized, efficient, extremely competent, and has an excellent rapport with people of all ages. Mr. Ball highly recommends Petitioner for any position or endeavor that he may seek to pursue. He will be a valuable asset to any organization.

7.15. Letter of support from Julia Niemeier states she has known Petitioner since 1980. It is Ms. Niemeier's belief that Petitioner is a viable asset to the nursing profession and she has personally witnessed his dedication to those in need.

7.16. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

8. Petitioner gives November 3, 2000, as his date of sobriety.

CONCLUSIONS OF LAW

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

2. 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.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of VANCE KOWALIK, Registered Nurse License Number 640083, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 §211.01 et. seq. and the stipulations contained in this Order:

IT IS FURTH[illegible]AGREED and ORDERED that this C[illegible]r SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas

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

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred ($500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 80-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to VANCE KOWALIK, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER 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 shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER'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. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(7) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics. PETITIONER 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)

contact hours in length. In or) for the course to be approved, the tar) audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify PETITIONER'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. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION 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 STIPULATION PERIOD:

(8) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(9) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a professional nurse.

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

(11) For the remainder of the stipulation period, PETITIONER 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 PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(12) PETITIONER 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 identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a professional nurse.

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

(14) PETITIONER 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 professional nurse.

(15) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. 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) years of employment as a professional nurse.

(16) PETITIONER 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, PETITIONER 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 PETITIONER 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.**

(17) PETITIONER 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 second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation 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
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER 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. PETITIONER 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 will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(18) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the PETITIONER'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 PETITIONER is dismissed from therapy.

(19) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER 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 PETITIONER. PETITIONER 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, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, 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 convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 28 day of Feb, 2006.

VANCE KOWALIK, Petitioner

Sworn to and subscribed before me this 28 day of Feb, 2006.

SEAL

Notary Public in and for the State of Texas

WHEREFOR[illegible]PREMISES CONSIDERED, the Bo[illegible]of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 28th day of February, 2006, by VANCE KOWALIK, Registered Nurse License Number 640083, and said Order is final.

Effective this 21st day of March, 2006.

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