



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 706927, issue to §
KATRINA MELISSA ORTIZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KATRINA MELISSA ORTIZ, Registered License Number 706927, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(9),(10),(12)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 31, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Galveston College, Galveston, Texas, on May 11, 2004. Respondent was licensed to practice professional nursing in the State of Texas on July 8, 2004.
5. Respondent's professional nursing employment history includes:

05/04 - 10/05	GN/Staff Nurse	Memorial Hermann Southeast Houston, Texas
11/05 - 12/05	Staff Nurse	Clear Lake Regional Medical Center Webster, Texas

Respondent's professional nursing employment history continued:

05/06 - 12/06	Staff Nurse	Kelsey Sebold Houston, Texas
01/07 - 08/08	Unknown	
09/08 - 01/09	Staff Nurse	Weatherford Regional Medical Center Weatherford, Texas
08/09 - 12/09	Staff Nurse	Glen Rose Medical Center Glen Rose, Texas
01/10 - Present	Unknown	

6. On November 1, 2006, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 1, 2006 is attached and incorporated by reference as part of this Order.
7. On or about April 12, 2007, while participating in the Texas Peer Assistance Program for Nurses, Respondent submitted a specimen for a urine drug screen which resulted positive for Propoxyphene. Possession of Propoxyphene, without a valid prescription, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene by a Registered Nurse, 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. On or about April 12, 2007, Respondent failed to comply with the Agreed Order issued to her on November 1, 2006, by the Texas Board of Nursing. Non-compliance is a result of Respondent's failure to comply with Stipulation Number Three (3) of the Order, which states:
 - (3) "RESPONDENT SHALL, comply with all requirements of the TPAPN contract during its term."

On or about April 12, 2007, Respondent submitted a specimen for a urine drug screen which resulted positive for Propoxyphene.

9. At the time of the incidents in Findings of Fact Numbers Ten (10) through Twelve (12), Respondent was employed as a Staff Nurse and had been in that position for approximately four (4) months.

10. On or about January 5, 2009 through January 21, 2009, while employed with Weatherford Regional Medical Center, Weatherford, Texas, Respondent withdrew Dilaudid (Hydromorphone) from the Medication Dispensing System (Meditech) for patients without a physician's order, as follows:

Date/Time	Patient	Physician's Order	Meditech Records	Emergency Department Record
1/5/09 @ 0337	M000171298	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/5/09 @ 0638	M000350290	IV Dilaudid 1mg @ 0014 No Order for Dilaudid @ 0638	Dilaudid 2mg	0638 dose not documented Pt discharged home @ 0301
1/6/09 @ 0530	M00015394	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/11/09 @ 0552	M000185837	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/12/09 @ 0635	M000308371	No Order for Dilaudid	Dilaudid 2mg	Pt discharged home @ 0619 0635 dose not documented
1/13/09 @ 0240	M000344205	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/13/09 @ 0633	M000344205	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/13/09 @ 0401	M000321166	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/21/09 @ 0058	M000135676	Dilaudid 1mg IV Q 4 hrs PRN severe pain	Dilaudid 2mg	Pt discharged home @ 0029 0058 dose not documented
1/21/09 @ 0416	M000133201	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/21/09 @ 0643	M000131114	No Order for Dilaudid	Dilaudid 2mg	Pt discharged home@1045, 1/20/09 0643 dose not documented on 1/21/09

Respondent's conduct was likely to injure the patient in that the administration of Dilaudid without a valid physician's order could result in the patient suffering from adverse reactions and constitutes a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

11. On or about January 5, 2009 through January 21, 2009, while employed with Weatherford Regional Medical Center, Weatherford, Texas, Respondent withdrew Dilaudid (Hydromorphone) from the Medication Dispensing System (Meditech) for patients but failed to document the administration of the medication in the patients' medical record, as follows:

Date/Time	Patient	Physician's Order	Meditech Records	Emergency Department Record
1/5/09 @ 0337	M000171298	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/5/09 @ 0638	M000350290	IV Dilaudid 1mg @ 0014	Dilaudid 2mg	0638 dose not documented Pt discharged home @ 0301

1/6/09 @ 0530	M00015394	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/11/09 @ 0552	M000185837	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/12/09 @ 0635	M000308371	No Order for Dilaudid	Dilaudid 2mg	Pt discharged home @ 0619 0635 dose not documented
1/13/09 @ 0240	M000344205	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/13/09 @ 0633	M000344205	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/13/09 @ 0401	M000321166	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/21/09 @ 0058	M000135676	Dilaudid 1mg IV Q 4 hrs PRN severe pain	Dilaudid 2mg	Pt discharged home @ 0029 0058 dose not documented
1/21/09 @ 0416	M000133201	No Order for Dilaudid	Dilaudid 2mg	Not documented
1/21/09 @ 0643	M000131114	No Order for Dilaudid	Dilaudid 2mg	Pt discharged home@1045 on 1/20/09 0643 dose not documented on 1/21/09

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. In addition, Respondent's conduct and placed the hospital pharmacy in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

12. On or about January 5, 2009 through January 21, 2009, while employed with Weatherford Regional Medical Center, Weatherford, Texas, Respondent withdrew Dilaudid (Hydromorphone) from the Medication Dispensing System (Meditech) for patients who had been discharged from the Emergency Department and who had no physician's order for the medication, as follows:

Date/Time	Patient	Physician's Order	Meditech Records	Emergency Department Record
1/5/09 @ 0638	M000350290	IV Dilaudid 1mg @ 0014	Dilaudid 2mg	Pt discharged home @ 0301 on 1/5/09 0638 dose not documented
1/12/09 @0635	M000308371	No Order for Dilaudid	Dilaudid 2mg	Pt discharged home @ 0619 on 1/12/09 0635 dose not documented
1/21/09 @0058	M000135676	Dilaudid 1mg IV Q 4 hrs PRN severe pain	Dilaudid 2mg	Pt discharged home @ 0029 on 1/21/09 0058 dose not documented
1/21/09 @0643	M000131114	No Order for Dilaudid	Dilaudid 2mg	Pt discharged home @10:45 on 1/20/09 0643 dose not documented on 1/21/09

Respondent's conduct above was likely to defraud the patients of the cost of the medications and constitutes a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

13. At the time of the incidents in Findings of Fact Numbers Fourteen (14) through Nineteen (19), Respondent was employed as a Staff Nurse and had been in that position for approximately four (4) months.
14. During August 14, 2009 through December 21, 2009, while employed with Glen Rose Medical Center, Glen Rose, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof. Respondent admitted to the Chief Nursing Officer that she had been diverting Demerol for her own use for about a year. Possession of Demerol 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.
15. During August 14, 2009 through December 21, 2009, while employed with Glen Rose Medical Center, Glen Rose, Texas, Respondent engaged in the intemperate use of Demerol. Respondent admitted to the Chief Nursing Officer that she had been diverting Demerol for her own use for about a year. On December 21, 2009, Respondent was observed to have multiple injection sites on her hands and wrists which were bleeding and her scrubs were covered with blood stains. Possession of Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol 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.
16. On or about December 21, 2009, while employed with Glen Rose Medical Center, Glen Rose, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she exhibited behavior which included slurred speech, whispering voice, dry cracked lips, wandering eyes, lids fluttering, she hung around after report disappearing and wandering back, and staff reported that she appeared impaired. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
17. On or about December 21, 2009, while employed with Glen Rose Medical Center, Glen Rose, Texas, Respondent engaged in the intemperate use of Amphetamines and Opiates in that Respondent submitted a specimen for a reasonable suspicion drug screen which resulted positive for Amphetamines and Opiates. Respondent had two (2) syringes in her pocket one of which was analyzed and resulted positive for Opiates and PCP. In addition, Respondent admitted to the Chief Nursing Officer that she had been diverting Demerol for her own use for about a year. Possession of Amphetamines and Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Amphetamines and Opiates 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.

18. On or about December 20, 2009 and December 21, 2009, while employed with Glen Rose Medical Center, Glen Rose, Texas, Respondent withdrew Meperidine (Demerol) from the Omnicell Medication Dispensing System for patients, without a physician's order, as follows:

Date/Time	Patient	Physician's Order	Omicell Record	Wastage
12/18/09 @ 8:18pm	25147	No Order for Meperidine	Meperidine 50mg	None
12/20/09 @ 9:31pm	41679	No Order for Meperidine	Meperidine 100mg	None
12/20/09 @ 11:46pm	69484	No Order for Meperidine	Meperidine 50mg	None
12/20/09 @ 11:46pm	69484	No Order for Meperidine	Meperidine 25mg	None
12/21/09 @ 1:21am	69484	No Order for Meperidine	Meperidine 100mg	None
12/21/09 @ 3:02am	70059	No Order for Meperidine	Meperidine 100mg	None
12/21/09 @ 4:40am	70059	No Order for Meperidine	Meperidine 100mg	None

Respondent's conduct was likely to injure the patients in that administration of Meperidine to patients without a physician's order could result in the patients suffering from adverse reactions including respiratory depression.

19. On or about December 20, 2009 and December 21, 2009, while employed with Glen Rose Medical Center, Glen Rose, Texas, Respondent withdrew Demerol from the Omnicell Medication Dispensing System for patients but failed to follow the policy and procedure for wastage. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
20. Respondent's last known date of sobriety is unknown.
21. 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.
22. Charges were filed on February 7, 2008.
23. Charges were mailed to Respondent on February 12, 2008.
24. First Amended Formal Charges were filed on October 23, 2009.

25. First Amended Formal Charges were mailed to Respondent on October 27, 2009.
26. Second Amended Formal Charges were filed on March 12, 2010.
27. Second Amended Formal Charges were mailed to Respondent on March 17, 2010.

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 violations of Section 301.452(b)(1),(9),(10), (12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A), (B),(C)&(D) and 217.12(1)(A),(4),(5),(6)(G),(8),(9),(10)(B),(C),(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 706927, heretofore issued to KATRINA MELISSA ORTIZ, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 706927, previously issued to KATRINA MELISSA ORTIZ, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 706927 previously issued to KATRINA MELISSA ORTIZ, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

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

IT IS FURTHER AGREED, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a

pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL pay a monetary fine and monitoring fee in the amount of Seven Hundred Fifty Dollars (\$750). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR

THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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 PROBATIONARY PERIOD:

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

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

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

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL NOT practice as a 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 Respondent is regularly assigned for one (1) year of employment as a nurse.

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

(11) RESPONDENT 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 nurse.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice

nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a nurse.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method

accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(15) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must

indicate whether or not the RESPONDENT'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 probation period, or until RESPONDENT is dismissed from therapy.

(16) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT 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 RESPONDENT. RESPONDENT 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 and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

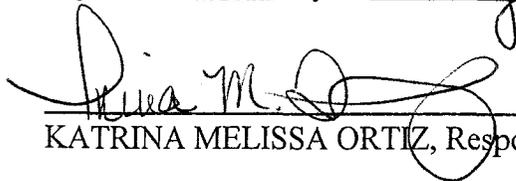
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order,

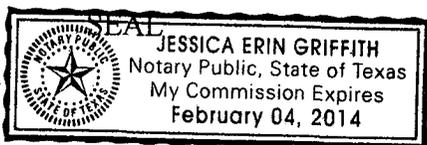
RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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 violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6 day of May, 2010.

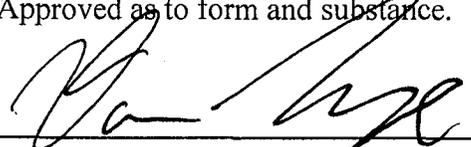

KATRINA MELISSA ORTIZ, Respondent

Sworn to and subscribed before me this 6th day of May, 2010.




Notary Public in and for the State of Texas

Approved as to form and substance.


Dan Lype, Attorney for Respondent

Signed this 10 day of May, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 6th day of May, 2010, by KATRINA MELISSA ORTIZ, Registered Nurse License Number 706927, and said Order is final.

Effective this 8th day of June, 2010.


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 § AGREED
License Number 706927 § ORDER
issued to KATRINA MELISSA ORTIZ §

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of KATRINA MELISSA ORTIZ, Registered Nurse License Number 706927, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on September 12, 2006, 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.
4. Respondent received an Associate Degree in Nursing from Galveston College, Galveston, Texas, on May 11, 2004. Respondent originally became licensed to practice professional nursing in the State of Texas on July 8, 2004.
5. Respondent's professional nursing employment history includes:

May 2004 to November 2005

Emergency Technician/GN/Staff Nurse
Memorial Hermann Southeast
Houston, Texas

November 2005 to December 2005

Staff Nurse
Clear Lake Regional Medical Center
Webster, Texas

December 2005 to Present

Employment Unknown

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Memorial Hermann Southeast, Houston, Texas, and had been in this position for one (1) year. At the time of the second incident, Respondent was employed as a Staff Nurse with Clear Lake Regional Medical Center, Webster, Texas, and had been in this position for one (1) month.
7. On or about November 6, 2005, while employed with Memorial Hermann Southeast Emergency Center, Houston, Texas, Respondent misappropriated Demerol and syringes belonging to the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about November 6, 2005, while employed with Memorial Hermann Southeast Emergency Center, Houston, Texas, Respondent removed multiple vials of Demerol without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
9. On or about November 6, 2005, while employed with Memorial Hermann Southeast Emergency Center, Houston, Texas, Respondent failed to follow policy and procedure for the wastage of Demerol. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about December 24, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent misappropriated Demerol 50mg belonging to the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
11. On or about December 24, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent removed multiple vials of Demerol 50mg without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
12. On or about December 24, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent failed to follow policy and procedure for the wastage of Demerol 50mg. Respondent's conduct was likely to deceive the hospital pharmacy and

placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

13. On or about December 24, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent lacked fitness to practice professional nursing in that she was witnessed by peers to be sleeping multiple times and sleeping while standing at a patient's bedside. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
14. On or about December 25, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent misappropriated Demerol 50mg belonging to the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
15. On or about December 25, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent removed multiple vials of Demerol 50mg without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
16. On or about December 25, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent failed to follow policy and procedure for the wastage of Demerol 50mg. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
17. On or about December 28, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent engaged in the intemperate use of Meperidine and Normeperidine in that she submitted a specimen for a drug/alcohol screen which resulted positive for Meperidine and Normeperidine. Possession of Meperidine and Normeperidine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Meperidine and Normeperidine 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.
18. Respondent's attorney submitted a letter of response and states the following, "Ms. Ortiz admits that she has used Demerol on occasion and found herself in situations where she made poor choices. Although this short use has just begun to interfere with Ms. Ortiz personal and professional life, it has become apparent to her that she should remedy this

situation before it grows in severity. Ms. Ortiz admits to being chemically dependent and admits to diverting Demerol for personal use. Ms. Ortiz feels as though she would benefit from participation in TPAPN and would have elected to do so when previously offered, but she was still in denial regarding her disease at that time. She is presently sober and participating in a 12 step program of recovery."

19. 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.
20. 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
21. Respondent's conduct described in Findings of Fact Numbers seven (7) through seventeen (17) resulted from Respondent's dependency on chemicals.
22. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(9),(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(D)(iii)&(iv) and 22 TEX. ADMIN. CODE §217.12(1)(C),(5),(6)(G),(10)(A)(C)&(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 706927, heretofore issued to KATRINA MELISSA ORTIZ, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(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 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.

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 professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

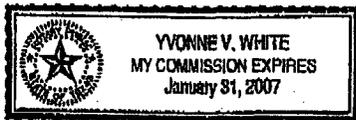
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18 day of October, 2006.

Katrina M. Ortiz
KATRINA MELISSA ORTIZ, Respondent

Sworn to and subscribed before me this 18 day of October, 2006.

SEAL



Yvonne V. White
Notary Public in and for the State of Texas

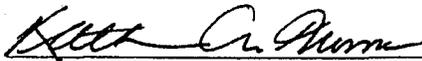
Approved as to form and substance.

[Signature]
Louis Leichter, Attorney for Respondent

Signed this _____ day of _____, 20____.

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 18th day of October, 2006 , by KATRINA MELISSA ORTIZ, Registered Nurse License Number 706927, and said Order is final.

Entered and effective this 1st day of November, 2006 .



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