

Respondent's vocational nursing employment history continued:

7/03-9/07	LVN	Advantage Nursing Services Houston, Texas
2/06-11/06	LVN	Select Specialty Hospital Heights Houston, Texas
1/07-9/07	LVN	Credentia Houston, Texas
2/07-9/07	LVN	Smartbeat HC The Woodlands, Texas
9/07-10/07	LVN	Proficio Services, LLC Houston, Texas
11/07-Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Licensed Vocational Nurse with Proficio Services, LLC, Houston, Texas, and had been in this position for approximately one (1) month.
7. On or about September 20, 2007 through September 21, 2007, while employed with Proficio Services, LLC, Houston, Texas and working at Nexus Specialty Hospital, Shenandoah, Texas, Respondent withdrew Hydrocodone from the Pyxis Medication Dispensing System for Patient #00-09-65, but failed to completely and accurately document the administration of the medication in the patients' Medication Administration Records (MARs) and/or Nurses Notes as follows:

Date/ Time Removed	Pt #	Medication Removed from Pyxis by Respondent	Physicians Order	MAR	Wastage	Additional Information
9/20/07 23:12	JJ 00-09- 65	(2) Hydrocodone/ Acetaminophen Norco 7.5/325	None	None	None	Only Darvocet was Ordered and documented as given by others
9/20/07 23:14	JJ 00-09- 65	(2) Hydrocodone/ Acetaminophen Norco 7.5/325	None	None	None	Only Darvocet was Ordered and documented as given by others

Respondent's conduct 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.

8. On or about September 20, 2007 through September 21, 2007, while employed with Proficio Services, LLC, Houston, Texas and working at Nexus Specialty Hospital, Shenandoah, Texas, Respondent withdrew Hydrocodone from the Pyxis Medication Dispensing System for Patient #00-09-65, but failed to follow the policy and procedure for the wastage of the medication as follows:

Date/ Time Removed	Pt #	Medication Removed from Pyxis by Respondent	Physicians Order	MAR	Wastage	Additional Information
9/20/07 23:12	JJ 00-09- 65	(2) Hydrocodone/ Acetaminophen Norco 7.5/325	None	None	None	Only Darvocet was Ordered and documented as given by others
9/20/07 23:14	JJ 00-09- 65	(2) Hydrocodone/ Acetaminophen Norco 7.5/325	None	None	None	Only Darvocet was Ordered and documented as given by others

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that when she gives a medication, she always initials on the MAR or chart refusal. Respondent states from what she can remember the patient took the medications therefore she wouldn't need to waste anything.

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10. On or about September 20, 2007 through September 21, 2007, while employed with Proficio Services, LLC, Houston, Texas and working at Nexus Specialty Hospital, Shenandoah, Texas, Respondent withdrew Hydrocodone from the Pyxis Medication Dispensing System for Patient # 00-09-65 without valid physicians' order.

Date/ Time Removed	Pt #	Medication Removed from Pyxis by Respondent	Physicians Order	MAR	Wastage	Additional Information
9/20/07 23:12	JJ 00-09- 65	(2) Hydrocodone/ Acetaminophen Norco 7.5/325	None	None	None	Only Darvocet was Ordered and documented as given by others
9/20/07 23:14	JJ 00-09- 65	(2) Hydrocodone/ Acetaminophen Norco 7.5/325	None	None	None	Only Darvocet was Ordered and documented as given by others

Respondent's conduct was likely to injure the patients in that the administration of Hydrocodone without a valid physician's order could result in the patient suffering from adverse reactions.

11. On or about September 20, 2007 through September 21, 2007, while employed with Proficio Services, LLC, Houston, Texas and working at Nexus Specialty Hospital, Shenandoah, Texas, Respondent falsified the medical record of patient # 001041 in that she documented the administration of Hydrocodone and Ambien on the Medication Administration Record (MAR), when she had not actually administered the medication as follows:

Date/ Time Removed	Pt #	Medication Removed from Pyxis by Respondent	Physicians Order	MAR	Wastage	Additional Information
9/21/07 01:08	RR 00-10- 41	(1) Hydrocodone/ Acetaminophen Vicodin-Tab 5-500mg	Vicodin 5/500mg 1 tab q 6hrs PRN Pain	0130	None	Pt stated he never received meds
9/21/07 01:08	RR 00-10- 41	(1) Zolpidem 5mg Tablet Ambien	Ambien 5mg PO qhs PRN Insomnia	0130	None	Pt stated he never received meds

Respondent's conduct was deceiving to subsequent caregivers who would rely on an inaccurate medical record to provide ongoing medical care.

12. On or about September 20, 2007 through September 21, 2007, while employed with Proficio Services, LLC, Houston, Texas and working at Nexus Specialty Hospital, Shenandoah, Texas, Respondent lacked fitness to practice vocational nursing in that she exhibited impaired behavior while on duty, which included, but was not limited to: moved slowly, nodded off while giving report, "stumbled around like a zombie in a trance", her eyes appeared heavy and half opened, she seemed confused and uncertain where her patient assignment started and where it ended, and she was barely able to sit upright. Additionally, there were multiple inaccurate medication counts on her shifts. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
13. On or about September 20, 2007 through September 21, 2007, while employed with Proficio Services, LLC, Houston, Texas and working at Nexus Specialty Hospital, Shenandoah, Texas, Respondent engaged in the intemperate use of Prozac and Xanax, in that she admitted to taking Prozac and Xanax while on duty. Possession of Xanax is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act) and Prozac is prohibited by Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act). The use of Prozac and Xanax 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.
14. In response to Findings of Fact Numbers Twelve (12) and Thirteen (13), Respondent states that she remembers being "too sleepy" and wanting to leave. The House Supervisor and another nurse did the medication count. Respondent then went to the supervisor's office. The House Supervisor said she had been acting strange and asked if she had taken anything and that he had received information that one of her patients had reported he had not received ordered medications. Respondent states she did tell the house supervisor that she takes Prozac, Xanax and Soma and reassured him that she had not taken any medications. Respondent states looking back she may have been experiencing some kind of "hangover" effect from these medications.
15. On or about September 20, 2007 through September 21, 2007, while employed with Proficio Services, LLC, Houston, Texas and working at Nexus Specialty Hospital, Shenandoah, Texas, Respondent misappropriated Hydrocodone and Ambien from the medication dispensing system belonging to the facility and the patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

16. On June 1, 2009, Respondent disclosed on her Texas Board of Nursing License Renewal Form, that she had been arrested on March 30, 2009, by the Bossier City Police Department, Bossier City, Louisiana, for "Domestic Abuse Battery". As a result of the arrest, Respondent states she was ordered to pay a fine and complete an Anger Management course. Respondent states that non-compliance will result in having to go to District Court.
17. 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),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(D), and §217.12(1)(A),(1)(B),(1)(C)&(1)(E),(4),(5),(6)(G), (6)(H), (10)(A),(10)(C)(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 186761, heretofore issued to CHRISTIE DANETTE THOMAS, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, 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>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's

office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

(5) IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of or receive a deferred order for the offense(s) as outlined in Finding of Fact Number Sixteen (16), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational nursing in the State of Texas.

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 STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations 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 present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the

stipulations 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.

(7) 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.

(8) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational 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 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 Registered Nurse or Licensed Vocational 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) month period for one (1)

year of employment as a nurse.

(10) 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.

(11) 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 stipulation 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 is 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 stipulation 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 stipulation 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 multistate licensure privileges, if any, to practice nursing in the State of Texas.

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

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29th day of March, 2010.

Christie Thomas

CHRISTIE DANETTE THOMAS, Respondent

Sworn to and subscribed before me this 29 day of MAR, 2010.

SEAL

[Signature]
Notary Public in and for the State of _____

JOHN B. LONG
NOTARY PUBLIC #3377
CAJODO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of March, 2010, by CHRISTIE DANETTE THOMAS, Vocational Nurse License Number 186761, and said Order is final.

Effective this 11th day of May, 2010.



A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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