

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 194336
ISSUED TO
ELIZABETH ANNE HARDIN

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia A. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Elizabeth Anne Hardin
4509 Quail Cutoff Rd
Chandler, Texas 75758

During open meeting held in Austin, Texas, on May 11, 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 vocational nursing in the State of Texas.

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

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

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(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.

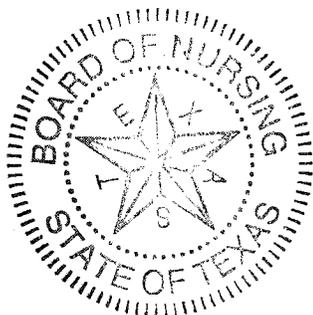
NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 194336, previously issued to ELIZABETH ANNE HARDIN, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 11th day of May, 2010.

TEXAS BOARD OF NURSING

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



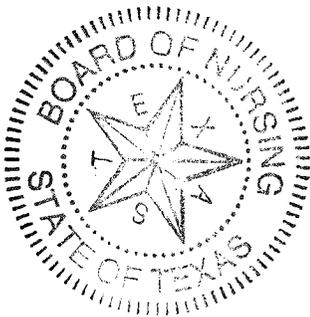
Re: Permanent Certificate Number 194336
Issued to Elizabeth Anne Hardin
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 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):

Elizabeth Anne Hardin
4509 Quail Cutoff Rd
Chandler, Texas 75758

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 194336, Issued to §
ELIZABETH ANNE HARDIN, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ELIZABETH ANNE HARDIN, is a Vocational Nurse holding license number 194336, 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 October 20, 2008, Respondent entered a plea of "Guilty" to POSS CS PG 1 <1G (a State Jail Felony offense committed on November 4, 2007), in the 241st District Court, Smith County, Texas, under Case No. 241-1292-08. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of three (3) years. Additionally, Respondent was ordered to pay court costs and restitution.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE II

On or about February 7, 2008, while employed as a Licensed Vocational Nurse with Nursefinders, Tyler, Texas, and on assignment with Tyler Continue Care Hospital, Tyler, Texas, Respondent withdrew Hydrocodone from the Accudose Medication Dispensing System for Patient Medical Record Number 96634951 at 2048 and 2358, which was in excess frequency/dosage of the physicians' orders. The Physician's Order was for Hydrocodone two (2) tabs every four to six hours as needed. Respondent's conduct was likely to injure the patient in that the administration of Hydrocodone in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

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

CHARGE III

On or about February 8, 2008 through February 11, 2008, while employed as a Licensed Vocational Nurse with Nursefinders, Tyler, Texas, and on assignment with Tyler Continue Care Hospital, Tyler, Texas, Respondent withdrew Ativan, Hydrocodone, and Norco from the Accudose Medication Dispensing System for Patients Medical Record Numbers 96634951; 92028101; 89320941; and 94918995, and failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records, as follows:

Date	Patient	Physician's Orders	Accudose Record Time and Quantity	Medication Administration Record
02/07/2008	92028101	Ambien 10mg at night	21:38 Zolpidem Tartrate 10mg tab (1)	Given at 2100
02/09/08	92028101	Hydrocodone 2 tabs PO q 4 hrs PRN pain	21:17 Hydrocodone/APAP 7.5-500mg tab (2)	No time documented
02/07/2008	96634951	Hydrocodone Bit/APAP 7.5-500 tab 2 prn q 4-6hrs prn. See Note 2.	23:58 Hydrocodone/APAP 7.5-500mg tab (2)	Not documented.
02/07/2008	94918995	Hydrocodone Bit/APAP 5/325 mg tab 1 po q6hrs prn	21:38 Hydrocodone Bitartrate/APAP 5-325mg tab (1)	Given 21:10
02/08/2008	96634951	Hydrocodone Bit/APAP 7.5-500 tab 2 prn q 4-6hrs prn.	20:33 Hydrocodone/APAP 7.5-500mg tab (2)	Given 20:30
02/09/2008	89320941	Norco 10/325 1-2 po q 4hrs PRN	22:15 Hydrocodone/APAP 10-325mg tab (2)	Not documented
02/10/2008	89320941	Norco 10/325 1-2 po q 4hrs PRN	21:47 Hydrocodone/APAP 10-325mg tab (1)	Given 19:30 19:00 Denies pain./discomfort
02/10/2008	96634951	Hydrocodone Bit/APAP 7.5-500 tab 2 prn q 4-6hrs prn. See Note 2.	00:29 Hydrocodone/APAP 7.5-500mg tab (2)	Given 00:00
02/10/2008	96634951	Hydrocodone Bit/APAP 7.5-500 tab 2 prn q 4-6hrs prn. See Note 2.	06:07 Hydrocodone/APAP 7.5-500mg tab (2)	Given 05:35.
02/10/2008	94918995	Hydrocodone Bit/APAP 5/325 mg tab 1 po q6hrs prn	23:10 Hydrocodone Bitartrate/APAP 5-325mg tab (1)	Not documented.
02/11/2008	96634951	Hydrocodone Bit/APAP 7.5-500 tab 2 prn q 4-6hrs prn.	00:19 Hydrocodone/APAP 7.5-500mg tab (2)	Given 00:00

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.

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

CHARGE IV

On or about February 8, 2008 through February 11, 2008, while employed as a Licensed Vocational Nurse with Nursefinders, Tyler, Texas, and on assignment with Tyler Continue Care Hospital, Tyler, Texas, Respondent withdrew Ativan, Hydrocodone, and Norco from the Accudose Medication Dispensing System for Patients Medical Record Numbers 96634951; 92028101; 89320941; and 94918995, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and place them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(B) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(10)(C)&(11)(B).

CHARGE V

On or about February 8, 2008 through February 11, 2008, while employed as a Licensed Vocational Nurse with Nursefinders, Tyler, Texas, and on assignment with Tyler Continue Care Hospital, Tyler, Texas, Respondent misappropriated Hydrocodone and Zolpidem Tartrate (Ativan) from the facility and 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.

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

CHARGE VI

On or about February 12, 2008, while employed as a Licensed Vocational Nurse with Nursefinders, Tyler, Texas, Respondent engaged in the intemperate use of Marijuana in that she produced a specimen for a drug screen which resulted positive for THC (Tetrahydrocannabinol). Possession of Marijuana, without a valid prescription, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Marijuana by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10) Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(5)&(10)(A)&(D)&(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. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

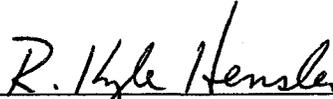
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 24th day of March, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel

State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel

State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel

State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel

State Bar No. 24052269

John F. Legris, Assistant General Counsel

State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460

Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-8101 or (512)305-7401