BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 547036, issued to JULIA ANNETTE CARROLL	§ § §	AGREED ORDER

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

On this day, the Texas Board of Nursing, hereinafter referred to as the Bc accepted the voluntary surrender of Registered Nurse License Number 547036, issued to JU ANNETTE CARROLL, 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 proceedings, notice 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, 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 Victoria College, Victoria, Texas, on May 17, 1988. Respondent was licensed to practice professional nursing in the State of Texas on September 1, 1988.

5. Respondent's professional nursing employment history includes:

9/88-11/97	RN	Citizens Medical Center Victoria, Texas
12/97 - 03/06	RN	Hillcrest Baptist Medical Center Waco, Texas

Respondent's professional nursing employment history continued:

04/06 - 02/07	Unknown	
03/07 - 07/07	RN	Angel Medical Professionals Waco, Texas
08/07-12/07	RN	Hill Regional Hospital Hillsboro, Texas
01/08- 12/09	Unknown	
01/10 - 03/10	Agency RN	Interim HealthCare Waco, Texas

6. On February 25, 2010, 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 February 25, 2010 is attached and incorporated by reference as part of this Order.

7. At the time of the incidents, Respondent was employed as an Agency Nurse with Interim HealthCare, Waco, Texas, and had been in this position for three (3) months.

8. On or about March 11, 2010, while employed with Interim Healthcare, Waco, Texas, Respondent engaged in the intemperate use of Diazepam Syrup (Valium), in that she was observed on video surveillance as she drank Diazepam Syrup belonging to Patient N.S., then replaced the missing medication with what appeared to be water. Possession of Diazepam is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Diazepam 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.

9. On or about March 11, 2010, while employed with Interim Healthcare, Waco, Texas, Respondent misappropriated Diazepam Syrup, in that she was observed on video surveillance as she drank Diazepam Syrup belonging to Patient N.S., then replaced the missing medication with what appeared to be water. Respondent admitted to her employer that she misappropriated the medication. On or about April 15, 2010, Respondent was arrested by the Texas Department of Public Safety, Waco, Texas, for the offense of ABANDONMENT/ENDANGERMENT TO A CHILD/CRIMINAL NEGLIGENCE (a State Jail Felony) and POSSESSION OF A CONTROLLED SUBSTANCE BY FRAUD/SCH III/IV (a Third Degree Felony). Possession of Diazepam is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). Respondent's conduct was likely to defraud the patient of the cost of the medications.

10. On or about March 11, 2010, while employed with Interim Healthcare, Waco, Texas, Respondent administered diluted Diazepam Syrup to Patient N.S. Respondent was observed on video surveillance as she drank Diazepam Syrup belonging to Patient N.S., then replaced the missing medication with what appeared to be water. Subsequently, Patient N.S. did not receive the proper concentrated doses of medicine, which resulted in the child becoming extremely restless and inflicting injury to himself. Respondent's conduct exposed the patient unnecessarily to a risk of harm from medical complications as a result of the non-efficacious treatment of his disease process.

11. On or about March 11, 2010, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing, on February 25, 2010. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Three (3) of the Order, which reads, in pertinent part:

> "(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term..."

12. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender his/her license to practice nursing in the State of Texas.

13. 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.

14. 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 violations of Section 301.452(b)(1),(9),(10)& (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(C)&(M) and 217.12(1)(A),(E),(4),(5)(6)(C)(G),(8),(10)(A)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 547036, heretofore issued to JULIA ANNETTE CARROLL, including revocation of Respondent's 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, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), 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 Registered Nurse License Number 547036, heretofore issued to JULIA ANNETTE CARROLL, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to JULIA ANNETTE CARROLL, to the office of the Texas Board of Nursing.

2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered" or the abbreviation "RN" or wear any insignia identifying herself 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 nurse licensure compact 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 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 22 day of April, 2010.

Julia Annette Carroll
JULIA ANNETTE CARROLL, Respondent

Sworn to and subscribed before me this 22nd day of April, 2010.

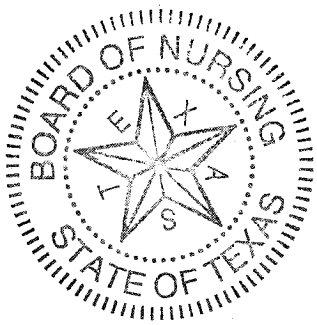
SEAL

Noemi Leal
Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 547036, previously issued to JULIA ANNETTE CARROLL.

Effective this 23rd day of April, 2010.

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



BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 547036	§	
issued to JULIA ANNETTE CARROLL	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JULIA ANNETTE CARROLL, Registered Nurse License Number 547036, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 15, 2010, 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 representation by counsel, 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 Victoria College, Victoria, Texas on May 17, 1988. Respondent was licensed to practice professional nursing in the State of Texas on September 1, 1988.

5. Respondent's professional nursing employment history includes:

9/88-11/97	RN	Citizens Medical Center Victoria, Texas

Respondent's professional nursing employment history continued:

12/97-3/06	RN	Hillcrest Baptist Medical Center Waco, Texas
4/06 - 2/07	Unknown	
3/07-7/07	RN	Angel Medical Professionals Waco, Texas
8/07-12/07	RN	Hill Regional Hospital Hillsboro, Texas
1/08-Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with Hill Regional Hospital, Hillsboro, Texas, and had been in this position for approximately four (4) months.

7. On or about December 1, 2007, while employed with Hill Regional Hospital, Hillsboro, Texas, Respondent withdrew Vicodin from the Pyxis Medication Dispensing System for Patient Numbers 3243937 and 3244043, but failed to completely and accurately document the administration of the medication in the patients' Medication Administration Records (MARs), and/or Nurses Notes. 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 December 1, 2007, while employed with Hill Regional Hospital, Hillsboro, Texas, Respondent withdrew Vicodin from the Pyxis Medication Dispensing System for Patient Numbers 3243937 and 3244043, but failed to follow the policy and procedure for the wastage of the medication. 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. On or about December 1, 2007, while employed with Hill Regional Hospital, Hillsboro, Texas, Respondent falsified patient medical records in that she documented the administration of Vicodin patients' medical records, when she had not actually administered the medication. Respondent's conduct was deceiving to subsequent caregivers who would rely on an inaccurate medical record to provide ongoing medical care.

10. On or about December 1, 2007, while employed with Hill Regional Hospital, Hillsboro, Texas, Respondent admitted that she misappropriated Vicodin belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

11. On or about December 1, 2007, while employed with Hill Regional Hospital, Hillsboro, Texas, Respondent engaged in the intemperate use of Vicodin, in that she produced a specimen for drug screening which resulted positive for Vicodin. Possession of Vicodin is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Vicodin 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.

12. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent states she can't deny the above or even attempt to excuse her behavior. Respondent states that she realizes there will be repercussions for her actions and she's ready to face them.

13. 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.

14. 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.

15. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Eleven (11) resulted from Respondent's dependency on chemicals.

16. 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 violation of Section 301.452(b)(9),(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) & §217.12(1)(A),(1)(B),(1)(C),(4),(5),(6)(G),(6)(H),(8),(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 Registered Nurse License Number 547036, heretofore issued to JULIA ANNETTE CARROLL, including revocation of Respondent's 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 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, 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, 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 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.

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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. 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 Texas Board of Nursing, 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.

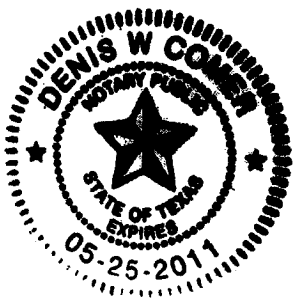
Signed this 22 day of February, 2010.

Julia Annette Carroll

JULIA ANNETTE CARROLL, Respondent

Sworn to and subscribed before me this 22 day of February, 2010.

SEAL



Denis W. Comer

Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 22nd day of February, 2010, by JULIA ANNETTE CARROLL, Registered Nurse License Number 547036, and said Order is final.

Entered and effective this 25th day of February, 2010.

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