BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of License Number 704307	§	AGREED
issued to ELIZABETH SAVAGE ANDRADE	§	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 Boa considered the matter of ELIZABETH SAVAGE ANDRADE, License Number 704307, hereina referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 25, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent holds a license to practice professional nursing in the State of Texas which is in delinquent status.

4. Respondent received an Associate Degree in Nursing from Gadsden State Community College, Gadsden, Alabama on May 8, 2003. Respondent was licensed to practice professional nursing in the State of Texas on April 9, 2004.

5. Respondent's complete professional employment history includes:

05/03 - 04/04	Graduate Nurse	Dartmouth Hitchcock Memorial Hospital Lebanon, New Hampshire

Respondent's nursing employment history continued:

05/04 - 03/05	RN	Medical Center Plano Plano, Texas
03/05 - 05/06	Charge Nurse	Baylor Grapevine Grapevine, Texas
06/06 - 06/07	RN	John Peter Smith Fort Worth, Texas
06/07 - 03/08	Agency RN	Nurse Finders Fort Worth, Texas
03/08 - 06/08	RN	Harris Methodist Southlake Southlake, Texas
07/08 - present	Employment unknown	

6. On March 17, 2009, 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 March 17, 2009, is attached and incorporated by reference, as part of this Order.

7. On or about December 2, 2009, Respondent failed to comply with the Agreed Board Order issued to her by the Texas Board of Nursing on March 17, 2009. Respondent's non-compliance was her failure to comply with Stipulation Number Three (3), of the Agreed Order dated March 17, 2009, which states in pertinent part that:

> (1) RESPONDENT SHALL, ... within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement...."

Specifically, Respondent never enrolled into the program after getting an extension to allow her to detox herself off of the drug Suboxone. On December 2, 2009, Respondent was dismissed from TPAPN and referred to the Board.

8. 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)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(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 704307, heretofore issued to ELIZABETH SAVAGE ANDRADE, 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 RESPONDENT SHALL receive the sanction of a LIMITED LICENSE , 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 deliver the wallet-sized license issued to ELIZABETH SAVAGE ANDRADE, to the office of the Texas Board of Nursing within ten (10) days from date of ratification of this Order.

(2) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(3) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this _____ day of _____, 20____.

Beth S. Andrade

ELIZABETH SAVAGE ANDRADE, Respondent

Sworn to and subscribed before me this 20 day of March, 2010.

SEAL

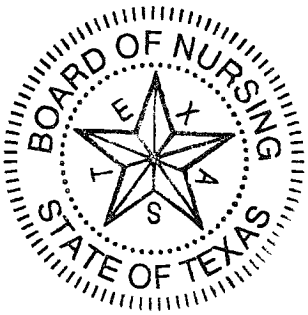
Lisa Todd Spaide

Notary Public in and for the State of Texas

NOTARY PUBLIC STATE OF TEXAS
LISA TODD SPAIDE
My Commission Expires
January 6, 2014

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of March, 2010, by ELIZABETH SAVAGE ANDRADE, License Number 704307, and said Order is final.

Effective this 2nd 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 704307	§	
issued to ELIZABETH SAVAGE ANDRADE	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ELIZABETH SAVAGE ANDRADE, Registered Nurse License Number 704307, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 16, 2009, 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 Gadsen State Community College, Gadsen, Alabama on May 8, 2003. Respondent was licensed to practice professional nursing in the State of Texas on April 9, 2004.

5. Respondent's nursing employment history includes:

05/03 - 04/04	Graduate Nurse	Dartmouth Hitchcock Memorial Hospital Lebanon, New Hampshire

Respondent's nursing employment history continued:

05/04 - 03/05	RN	Medical Center Plano Plano, Texas
03/05 - 05/06	Charge Nurse	Baylor Grapevine Grapevine, Texas
06/06 - 06/07	RN	John Peter Smith Fort Worth, Texas
06/07 - 03/08	Agency RN	Nurse Finders Fort Worth, Texas
03/08 - 06/08	RN	Harris Methodist Southlake Southlake, Texas
07/08 - present	Employment unknown	

6. At the time of the incidents, Respondent was employed as an agency Registered Nurse with Nurse Finders, Fort Worth, Texas, and had been in this position for nine (9) months.

7. On or about February 28, 2008, through March 1, 2008, while employed as a Registered Nurse with Nursefinders, Fort Worth, Texas, and assigned to Baylor Surgical Hospital, Fort Worth, Texas, Respondent removed Dilaudid and Morphine from the Medication Dispensing System (Pyxis) for Patients Medical Record Numbers 44346, 49059, 49228, and 49272 without a valid physicians' order. Respondent's conduct was likely to injure the patient in that the administration of controlled substances without a valid physician's order could result in the patient suffering from adverse reactions.

8. On or about February 28, 2008, through February 29, 2008, while employed as a Registered Nurse with Nursefinders, Fort Worth, Texas, and assigned to Baylor Surgical Hospital, Fort Worth, Texas, Respondent removed Demerol from the Medication Dispensing System (Pyxis) for Patients Medical Record Numbers 47543, and 44346, but failed to document, or accurately document the administration of the medication in the patients' Medication Administration Record and/or nurse's 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.

9. On or about February 29, 2008, while employed as a Registered Nurse with Nursefinders, Fort Worth, Texas, and assigned to Baylor Surgical Hospital, Fort Worth, Texas, Respondent withdrew Demerol from the Medication Dispensing System (Pyxis) for Patient Medical Record Number 44346, but failed to follow the facility's policy and procedures for wastage

of the unused portions of the medication. 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 Substance Act).

10. On or about March 1, 2008, while employed as a Registered Nurse with Nursefinders, Fort Worth, Texas, and assigned to Baylor Surgical Hospital, Fort Worth, Texas, Respondent was assigned to Patient Medical Record Number 47543, but failed to follow the facility's policy and procedure for written updates to the patient's chart every two (2) hours. Respondent's conduct resulted in an incomplete medical record, and was likely to injure the resident in that subsequent care givers did not have accurate information on which to base their decisions for further care.

11. On or about February 28, 2008, through March 2, 2008, while employed as a Registered Nurse with Nursefinders, Fort Worth, Texas, and assigned to Baylor Surgical Hospital, Fort Worth, Texas, Respondent lacked fitness to practice professional nursing in that Respondent was observed falling asleep at the nurse's desk during her shift, and observed staying in the bathroom for extended periods. 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, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.

12. On or about February 28, 2008, through March 1, 2008, while employed as a Registered Nurse with Nursefinders, Fort Worth, Texas, and assigned to Baylor Surgical Hospital, Fort Worth, Texas, Respondent misappropriated Demerol, Dilaudid and Morphine from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent also admitted to taking a vial of Dilaudid home with her. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

13. On or about June 4, 2008, while employed as a Registered Nurse with Harris Methodist Southlake, Southlake, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she appeared unfocused and her eyes were glazed. 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, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.

14. 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.

15. 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.

16. Respondent stated that she does not deny the allegations. She has been dealing with a problem with narcotics for a while due to pain management and her own pride. Respondent states that she is relieved to have it out in the open now.

17. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Thirteen (13) resulted from Respondent's impairment by dependency on chemicals.

18. 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)(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B)(C)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(5),(6)(G)&(10)(C).

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 704307, heretofore issued to ELIZABETH SAVAGE ANDRADE, 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):

RESPONDENT SHALL deliver the wallet-sized license issued to ELIZABETH SAVAGE ANDRADE, to the office of the Texas Board of Nursing within ten (10) days from the

date of ratification of this Order.

(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 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 11 day of March, 2009.

Beth Savage Andrade

ELIZABETH SAVAGE ANDRADE, Respondent

Sworn to and subscribed before me this 11th day of March, 2009.

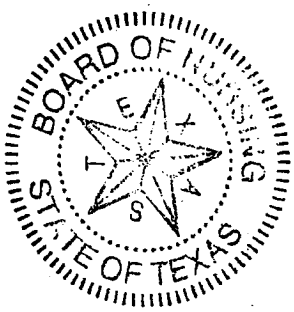
SEAL

KILA GURULE
MY COMMISSION EXPIRES
September 16, 2012

Kila Gurule

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 11th day of March, 20 09, by ELIZABETH SAVAGE ANDRADE, Registered Nurse License Number 704307, and said Order is final.



Entered and effective this 17th day of March, 2009

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