

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 P. Roman*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §        AGREED  
License Number 705952                       §  
issued to AMY CABLE GERMAN           §        ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Bc accepted the voluntary surrender of Registered Nurse License Number 705952, issued to AMY CABLE GERMAN, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived 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 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 North Harris Community College, Houston, Texas, on May 8, 2004. Respondent was licensed to practice professional nursing in the State of Texas on June 24, 2004.
5. Respondent's complete professional nursing employment history includes:

|             |    |                                       |
|-------------|----|---------------------------------------|
| 06/04-07/09 | RN | Seton Medical Center<br>Austin, Texas |
|-------------|----|---------------------------------------|

Respondent's complete professional nursing employment history includes(continued):

|               |         |  |
|---------------|---------|--|
| 07/09-11/09   | RN      | Austin Regional Clinic<br>Austin, Texas                    |
| 12/09-02/10   | RN      | Scott and White Healthcare Round Rock<br>Round Rock, Texas |
| 02/10-Present | Unknown |  |

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with Austin Regional Clinic, Austin, Texas, and had been in this position for approximately three (3) months.
7. On December 30, 2009, Respondent was provided notice by the Texas Board of Nursing for the following allegations:
  - On or about October 5, 2009, and November 13, 2009, while employed as a Registered Nurse with Austin Regional Clinic, Austin, Texas, Respondent:
    - wasted or destroyed doses of Demerol that she claims arrived at the clinic expired. This was done even after Respondent was informed that expired narcotics should be returned to the pharmacy for disposal and destruction. The pharmacy denies that the Demerol was expired and claims that the Demerol delivered and wasted by Respondent on 11/13/09, had an expiration date of 01/2011.
    - misappropriated Demerol from the facility or patients thereof, or failed to take precautions to prevent such misappropriation.
  - On or about November 13-18, 2009, while employed as a Registered Nurse with Austin Regional Clinic, Austin, Texas, Respondent:
    - withdrew Demerol from the Medication Dispensing System for patients without valid physicians' orders.
    - withdrew Demerol from the Medication Dispensing System for patients, but failed to document, or accurately document the administration of the medications in the patients Medication Administration Records and/or nurse's notes.
    - made unintelligible/confusing entries on the Medication Dispensing log for Demerol.

- misappropriated Demerol from the facility or patients thereof, or failed to take precautions to prevent such misappropriation.
8. On March 5, 2010, Respondent was provided notice by the Texas Board of Nursing for the following allegations:
- On or about January 6, 2010, through February 5, 2010, while employed as a Registered Nurse with Scott and White Healthcare Round Rock Hospital, Round Rock, Texas, Respondent:
    - withdrew Dilaudid from the Medication Dispensing System (PYXIS) for patients without valid physicians' orders.
    - withdrew Dilaudid from the Medication Dispensing System (PYXIS) for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or nurse's notes.
    - withdrew Dilaudid from the Medication Dispensing System (PYXIS) for patients, but failed the follow the facility's policy and procedures for wastage of any of the unused portions of the medications.
    - misappropriated Dilaudid from the facility or patients thereof or failed to take precautions to prevent such misappropriations.
9. On or about March 15, 2010, Respondent via her Attorney verbally informed the staff of the Texas Board of Nursing of her wish to voluntarily surrender her license to practice professional nursing in the State of Texas.
10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
11. 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.
12. 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(6)(A),(G)&(H),(10)(B)&(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 705952, heretofore issued to AMY CABLE GERMAN, 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 License Number 705952, heretofore issued to AMY CABLE GERMAN, 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 AMY CABLE GERMAN, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" 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.

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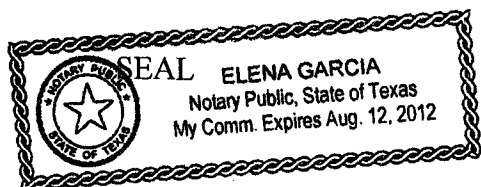
RESPONDENT'S CERTIFICATION

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. 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 13 day of April, 2010.

Amy C German  
AMY CABLE GERMAN, Respondent

Sworn to and subscribed before me this 13 day of April, 2010.



Elena Garcia  
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Taralynn R. Mackay  
Taralynn R. Mackay, Attorney for Respondent

Signed this 16<sup>th</sup> day of April, 2010.

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 705952, previously issued to AMY CABLE GERMAN.

Effective this 22nd day of April, 2010.



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

