BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 134817	§	
issued to RHONDA MARLENE RAMOS	§	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 Bo considered the matter of RHONDA MARLENE RAMOS, Vocational Nurse License Num 134817, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Wharton County Junior College- Richmond Extension, Richmond, Texas, on August 16, 1991. Respondent was licensed to practice vocational nursing in the State of Texas December 3, 1991.

5. Respondent's vocational nursing employment history includes:

1991- 1993	LVN	El Campo Memorial Hospital El Campo, Texas
1993 - 1999	LVN	Garden Villa Nursing Home El Campo, Texas

Respondent's vocational nursing employment history continued.

1999 - 2002	LVN	Cross Roads Home Health El Campo, Texas
2002 - 2004	LVN	Czech Catholic Home Hillje, Texas
2004 - 2007	LVN	Avalon Nursing Home Wharton, Texas
03/06 - 08/06	LVN	Matagorda Nursing and Rehabilitation Center Bay City, Texas
08/07 - 10/07	LVN	Wharton Nursing and Rehabilitation Center Wharton, Texas
11/07 - 02/09	Unknown	
03/09	LVN	Bay Villa Nursing Home Bay City, Texas
04/09 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Wharton Nursing and Rehabilitation Center, Wharton, Texas, and had been in this position for two (2) months.

7. On or about September 19, 2007, while employed as a Licensed Vocational Nurse with Wharton Nursing and Rehabilitation Center, Wharton, Texas, Respondent engaged in the intemperate use of Cocaine, in that she produced a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine 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.

8. In response to Finding of Fact Number Seven (7), Respondent acknowledges having had a problem with Cocaine and has made a full recovery and continues in the recovery process. Respondent has participated and resided in a treatment facility and has completed the twelve step program more than once.

9. The Respondent's conduct described in the preceding Finding of Fact Number Seven (7) was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

10. 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.

11. Formal Charges were filed on July 17, 2009.

12. Formal Charges were mailed to Respondent on July 21, 2009.

13. Respondent's conduct described in Finding of Fact Number Seven (7) resulted from Respondent's dependency on chemicals.

14. 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(A)(D)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Nurse License Number 134817, heretofore issued to RHONDA MARLENE RAMOS, 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 RHONDA MARLENE RAMOS, 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 three hundred fifty dollars ($350.00) 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 have reviewed this Order. I neither admit nor deny the violation 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5TH day of JANUARY, 2010.

RHONDA MARLENE RAMOS, Respondent

Sworn to and subscribed before me this 5TH day of JANUARY, 2010.

SEAL

JOHN DAVID PERCHES
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 7-11-2011

Notary Public in and for the State of Texas

Approved as to form and substance.

John D. Perches, Attorney for Respondent

Signed this 5TH day of JANUARY, 2010.

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 5th day of January, 2010, by RHONDA MARLENE RAMOS, Vocational Nurse License Number 134817, and said Order is final.

Entered and effective this 11th day of January, 2010.

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