

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. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 443321 § REINSTATEMENT
issued to MARGARET ANNE GILBERT § AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 443321, hereby MARGARET ANNE GILBERT, hereinafter referred to as Petitioner.

An informal conference was held on September 29, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, PhD, MSN, RN, Director of Nursing, Executive Director's Designee; John Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Diploma in Nursing from George Brown College, Toronto, Ontario, Canada, on August 1, 1977. Petitioner was originally licensed to practice professional nursing in the State of Texas on April 24, 1978.

4. Petitioner's professional nursing employment history includes:

4/78 - 3/80	OR Nurse	Methodist Hospital Houston, Texas
4/80 - 9/80	Not employed in nursing	
10/80 - 4/81	Physician Assistant	Stephen W. Cotlar, MD Houston, Texas
4/81 - 12/86	Staff Nurse	Women's Hospital of Texas Houston, Texas
1/87 - 10/87	Not employed in nursing	
11/87 - 5/88	Recruitment Coordinator	Baylor College of Medicine Houston, Texas
6/88 - 7/88	Not employed in nursing	
8/88 - 8/90	Nurse Clinician II	MD Anderson Cancer Center Houston, Texas
9/90	Not employed in nursing	
10/90 - 10/92	Education Coordinator	Round Rock Hospital Round Rock, Texas
11/92 - 6/95	Triage Nurse/Nurse Clinician	MD Anderson Cancer Center Houston, Texas
7/95 - 12/95	Not employed in nursing	
1/96 - 11/96	Pool Nurse	Columbia Kingwood Hospital Houston, Texas
12/96 - 6/99	Staff Nurse	Texas Women's Hospital Houston, Texas
7/99 - 9/99	Not employed in nursing	
10/99 - 3/00	OR Nurse	Mount Sinai Hospital Toronto, Ontario, Canada
4/00	Staff Nurse	Hermann Hospital Houston, Texas

Petitioner's employment history continued:

5/00 - 10/00	Not employed in nursing	
11/00 - 12/00	Staff Nurse	Spring Branch Medical Center Houston, Texas
1/01 - present	Not employed in nursing	

5. On November 1, 2001, Petitioner voluntarily surrendered her license to practice professional nursing in the State of Texas. A copy of the November 1, 2001, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On or about July 16, 2008, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
7. Petitioner presented the following in support of her petition:
 - 7.1. Letter, dated May 10, 2006, from Barbara Boykin, LCDC, ADC II, Council on Alcohol and Drugs, Houston, Texas, states Petitioner attended and completed the Texas DWI Intervention Repeat Offender Program on May 8, 2006.
 - 7.2. Letter of support from Mary Jacobs, Houston, Texas, states Petitioner worked as a surgical nurse at the Women's Hospital of Texas for many years. She was efficient, diligent and bright. She was extremely well thought of by the entire staff.
 - 7.3. Letter of support, dated July 8, 2008, from Rita Miller Fason, Attorney at Law, Houston, Texas, states she has known Petitioner for the past nine (9) years, both personally and professionally. They attend the same church and often see each other on a weekly basis. Ms. Fason has found Petitioner to be a person of keen intelligence and great integrity. She is dedicated to her work and Ms. Fason has no doubt that she would be a great credit to the nursing profession.
 - 7.4. Letter of support, dated July 2, 2008, from Marie Cassens, Director of Library Services, American InterContinental University, Houston, Texas, states for the past two (2) years, Petitioner has been a student at the University where Ms. Cassens works. Ms. Cassens has worked closely with Petitioner on research projects in fulfillment of her degree requirements and now that she has obtained her degree, Ms. Cassens is assisting her in finding employment in her field. Ms. Cassens has found Petitioner to be an intelligent, capable, dedicated and personable woman. She reacts sensibly in all circumstances. Ms. Cassens can confidently say that Petitioner is capable of handling any situation with care and thoughtfulness.

- 7.5. Letter of support from John F. Robbins, CSB, Pastor, St. Anne Catholic Community, Houston, Texas, states he has known Petitioner for a number years and has admired her determination to further her nursing education and to return to the profession. Petitioner is a person with good values and a positive outlook. Pastor Robbins is sure Petitioner will be a credit to her profession.
- 7.6. Letter of support, dated July 8, 2008, from Susan Scoble, Patron Services Manager, South Texas College of Law, Houston, Texas, states she would like to recommend Petitioner for reinstatement. She has known Petitioner for the past three (3) years. She was a student at American InterContinental University where Ms. Scoble works as an evening librarian. Ms. Scoble has worked with Petitioner as she did research on her school projects. She is extremely bright, can work independently and is able to follow through to ensure that the job gets done. Petitioner is hard working and accepts any task with a smile and an encouraging attitude. She would be an asset to any employer and Ms. Scoble recommends her for any endeavor she chooses to pursue.
- 7.7. Letter of support, dated July 7, 2008, from De Loyce Burrow, states she has had the pleasure of knowing Petitioner for approximately one (1) year. They are both parishioners at the church of Saint Anne's. They met during services and shortly became friends. Ms. Burrow finds Petitioner to be a very kind and loving person. She is thoughtful, dedicated, conscientious and intelligent. She is prompt, thorough and has a way of making people feel special. Ms. Burrow knows these qualities are highly valued and essential in nursing, and she feels that the nursing profession will benefit with Petitioner returning to her career.
- 7.8. Documentation of support group attendance dating from July 2007 through January 2008.
- 7.9. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
8. Petitioner gives March 20, 2006, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of MARGARET ANNE GILBERT, Registered Nurse License Number 443321, to practice professional nursing in the state of Texas, be and the same is hereby DENIED, WITH THE DENIAL STAYED, AND SUBJECT TO THE FOLLOWING PROBATION CONDITIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 80-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to MARGARET ANNE GILBERT, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within forty-five (45) days following relicensure, apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN), which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(7) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nursing.

(8) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(9) PETITIONER SHALL CAUSE the TPAPN to notify the Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

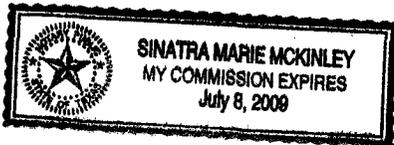
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 9th day of February, 2008. ^{g slc}
Margaret Anne Gilbert, Petitioner
MARGARET ANNE GILBERT, Petitioner

Sworn to and subscribed before me this 9th day of February, 2008. ^{g slc}

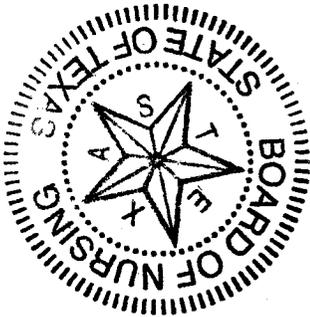
SEAL



[Signature]
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 9th day of February, 2009, by MARGARET ANNE GILBERT, Registered Nurse License Number 443321, and said Order is final.

Effective this 17th day of February, 2009.




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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 443321 § AGREED
issued to MARGARET ANNE GILBERT § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 443321, issued to MARGARET ANNE GILBERT, 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 conference 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, 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 a Diploma in Nursing from George Brown College, Toronto, Ontario, Canada on August 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on April 24, 1978.
5. Respondent's professional employment history includes:

April 1978 - March 1980

OR Nurse

The Methodist Hospital
Houston, Texas

Respondent's professional employment history continued:

April 1980 - September 1980	Not employed in Nursing	
October 1980 - April 1981	Physician Assistant	Stephen W. Cotlar, M.D. Houston, Texas
April 1981 - December 1986	Staff Nurse	The Women's Hospital of Texas Houston, Texas
January 1987 - October 1987	Not employed in Nursing	
November 1987 - May 1988	Recruitment Coordinator	Baylor College of Medicine Houston, Texas
June 1988 - July 1988	Not employed in Nursing	
August 1988 - August 1990	Nurse Clinician II	The University of Texas M.D. Anderson Cancer Center Houston, Texas
September 1990	Not employed in Nursing	
October 1990 - October 1992	Education Coordinator	Round Rock Hospital Round Rock, Texas
November 1992 - June 1995	Triage Nurse & Nurse Clinician	M.D. Anderson Cancer Center Houston, Texas
July 1995 - December 1995	Not employed in Nursing	
January 1996 - November 1996	Pool RN	Columbia Kingwood Hospital Houston, Texas
December 1996 - June 1999	Staff Nurse	Texas Women's Hospital Houston, Texas
October 1999 - March 2000	OR Nurse	Mount Siani Hospital Toronto, Ontario, Canada
April 2000	Staff Nurse	Hermann Hospital Houston, Texas

Respondent's professional employment history continued:

May 2000 - October 2000	Not employed in Nursing	
November 2000 - December 2000	Staff Nurse	Spring Branch Medical Center Houston, Texas
January 2001 - April 2001	Not employed in Nursing	
April 2001 - July 2001	Staff Nurse	Methodist Speciality and Transplant Hospital San Antonio, Texas

6. On April 10, 2001, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas requiring Respondent to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Agreed Order dated April 10, 2001, is attached and incorporated by reference as part of this order.
7. At the time of the incident, Respondent was employed as a staff nurse with Methodist Speciality and Transplant Hospital, San Antonio, Texas, and had been in this position for three (3) months.
8. On or about May 17, 2001, while employed with Methodist Speciality and Transplant Hospital, San Antonio, Texas, Respondent reported to work with the odor of alcohol emitting from her person and breath. The use of Alcohol 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. Respondent, on or about May 17, 2001, while employed with Methodist Speciality and Transplant Hospital, San Antonio, Texas, failed to comply with the Agreed Order issued to her on April 10, 2001, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of her failure to comply with all the requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract during its term as evidenced by her failure to abstain from the use of mood altering chemicals including Alcohol. A copy of the April 10, 2001, Order is attached and its findings and conclusions are incorporated by reference as part of this Order.
10. Respondent expressed a desire to Voluntarily Surrender her license to practice professional 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 a violation of Section 301.452(b)(1)&(9), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 443321, heretofore issued to MARGARET ANNE GILBERT, including revocation of Respondent's professional 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 301.452(b), Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the voluntary surrender of License Number 443321, heretofore issued to MARGARET ANNE GILBERT, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to MARGARET ANNE GILBERT, to the office of the Board of Nurse Examiners.
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 multistate privilege, if any, to practice professional nursing in the State of Texas.

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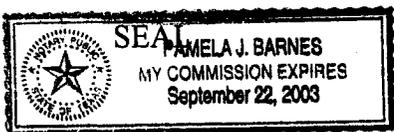
RESPONDENT'S CERTIFICATION

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 violation 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 30 day of October, 2001.

Margaret Anne Gilbert
MARGARET ANNE GILBERT, Respondent

Sworn to and subscribed before me this 30 day of October, 2001.



Pam Barnes
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 443321, previously issued to MARGARET ANNE GILBERT.

Effective this 1st day of November, 2001.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 443321 § AGREED
issued to MARGARET ANNE GILBERT § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MARGARET ANNE GILBERT, License Number 443321, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 1, 2001, 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 conference, 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 a Diploma in Nursing from George Brown College, Toronto, Ontario, Canada, on August 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on April 24, 1978.
5. Respondent's professional employment history includes:

April 1978 - March 1980	OR Nurse	The Methodist Hospital Houston, Texas
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Respondent's professional employment history continued:

April 1980 - September 1980	Not employed in Nursing	
October 1980 - April 1981	Physician Assistant	Stephen W. Cotlar, M.D. Houston, Texas
April 1981 - December 1986	Staff Nurse	The Women's Hospital of Texas Houston, Texas
January 1987 - October 1987	Not employed in Nursing	
November 1987 - May 1988	Recruitment Coordinator	Baylor College of Medicine Houston, Texas
June 1988 - July 1988	Not employed in Nursing	
August 1988 - August 1990	Nurse Clinician II	The University of Texas M.D. Anderson Cancer Center Houston, Texas
September 1990	Not employed in Nursing	
October 1990 - October 1992	Education Coordinator	Round Rock Hospital Round Rock, Texas
November 1992 - June 1995	Triage Nurse & Nurse Clinician	M.D. Anderson Cancer Center Houston, Texas
July 1995 - December 1995	Not employed in Nursing	
January 1996 - November 1996	Pool RN	Columbia Kingwood Hospital Houston, Texas
December 1996 - June 1999	Staff Nurse	Texas Women's Hospital Houston, Texas

Respondent's professional employment history continued:

July 1999 - September 1999	Not employed in Nursing	
October 1999 - March 2000	OR Nurse	Mount Siani Hospital Toronto, Ontario, Canada
April 1999 - September 1999	Not employed in Nursing	
October 1999 - March 2000	Staff Nurse	Mount Sinai Hospital Toronto, Canada
April 2000	Staff Nurse	Hermann Hospital Houston, Texas
May 2000 - October 2000	Not employed in Nursing	
November 2000 - December 2000	Staff Nurse	Spring Branch Medical Center Houston, Texas
January 2001 - Present	Not employed in Nursing	

6. At the time of the incident described in finding of fact number seven (7), Respondent was employed as a staff nurse with Hermann Hospital, Houston, Texas, and had been in this position for two (2) days.
7. Respondent, on or about April 11, 2000, while employed with Hermann Hospital, Houston, Texas, engaged in the intemperate use of alcohol as evidenced by a positive urine screen. The use of Alcohol 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.
8. At the time of the incident described in finding of fact number nine (9) and ten (10), Respondent was employed as a staff nurse with Spring Branch Medical Center, Houston, Texas, and had been in this position for one (1) month.
9. Respondent, on or about December 11, 2000, while employed with Spring Branch Medical Center, Houston, Texas, engaged in the intemperate use of alcohol as evidenced by a positive

urine screen. The use of Alcohol 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.

10. Respondent, on or about December 17, 2000, while employed with the aforementioned facility, engaged in the intemperate use of alcohol as evidenced by a positive urine screen. The use of Alcohol 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.
11. 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.
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.
13. Respondent's conduct described in Findings Numbers seven (7), nine (9), and ten (10) resulted from Respondent's impairment by 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 violations of Section 301.452(b)(9), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 443321, heretofore issued to MARGARET ANNE GILBERT, including revocation of Respondent's professional 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 and be accepted into the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 professional 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 State of Texas 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 privileges, if any, to practice professional 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. 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 Board of Nurse Examiners, 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 30th day of March, 2001.

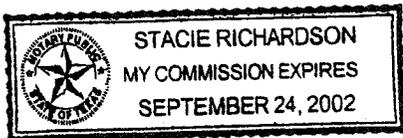
Margaret Anne Gilbert
MARGARET ANNE GILBERT, Respondent

Sworn to and subscribed before me this 30th day of March, 2001.

SEAL

Stacie Richardson

Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 30th day of March, 2001, by MARGARET ANNE GILBERT, License Number 443321, and said Order is final.

Entered and effective this 10th day of April, 2001.



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