

Respondent's vocational nursing employment history continued:

1998 to 1999	QA Nurse GCI Home Health Kingsville, Texas
1999 to 2000	LVN Office of Dr. Paul Rhodes Kingsville, Texas
April 2002 to June 2002	LVN Office of Dr. Jeromme Hormart Kingsville, Texas
July 2002 to September 2002	Employment Unknown
October 2002 to April 2004	LVN River Ridge Nursing Robstown, Texas
April 2004 to December 2005	LVN Christus Spohn Hospital Corpus Christi, Texas
January 2006 to September 2006	LVN Kindred Hospital Corpus Christi, Texas
October 2006 to Present	Not Employed in Nursing

6. On November 2, 2007, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 2, 2007, is attached and incorporated by reference as part of this Order.
7. On or about February 19, 2008, Respondent failed to comply with the Agreed Order issued to her on November 7, 2007, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). Stipulation Number One (1) of the Agreed Order dated November 7, 2007, states in pertinent part:

"RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final

Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN."

8. On March 31, 2008, Respondent submitted a letter stating her wish to voluntarily surrender her license to practice vocational nursing in the State of Texas.
9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.
10. 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.
11. 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 above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational License Number 66539, heretofore issued to JERRILYNN ROBERTS, including revocation of Respondent's license to practice vocational 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 Vocational Nurse License Number 66539, heretofore issued to JERRI LYNN ROBERTS, to practice vocational 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 JERRI LYNN ROBERTS, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "licensed vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a licensed vocational 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 vocational nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

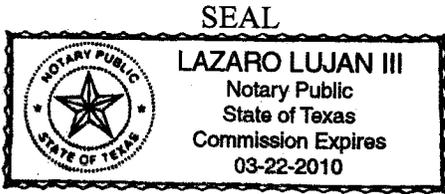
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 18 day of April, 2008

Jerri Lynn Roberts
JERRI LYNN ROBERTS, Respondent

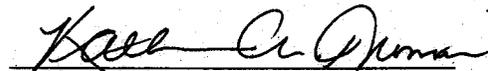
Sworn to and subscribed before me this 28 day of April, 2008.

Lazaro Lujan III
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 the voluntary surrender of Vocational Nurse License Number 66539, previously issued to JERRI LYNN ROBERTS.

Effective this 30th day of April, 2008.



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 Vocational Nurse § AGREED
License Number 66539 §
issued to JERRI LYNN ROBERTS § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JERRI LYNN ROBERTS, Vocational Nurse License Number 66539, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on September 24, 2007, 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's license to practice vocational nursing in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Del Mar College, Corpus Christi, Texas, on August 27, 1975. Respondent was licensed to practice vocational nursing in the State of Texas on November 23, 1975.
5. Respondent's vocational nursing employment history includes:

November 1975 to 1997

Employment Unknown

Respondent's vocational nursing employment history continued:

1998 to 1999	QA Nurse GCI Home Health Kingsville, Texas
1999 to 2000	LVN Office of Dr. Paul Rhodes Kingsville, Texas
April 2002 to June 2002	LVN Office of Dr. Jeromme Hormart Kingsville, Texas
July 2002 to September 2002	Employment Unknown
October 2002 to April 2004	LVN River Ridge Nursing Robstown, Texas
April 2004 to December 2005	LVN Christus Spohn Hospital Corpus Christi, Texas
Janauary 2006 to September 2006	LVN Kindred Hospital Corpus Christi, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7) Respondent was employed as a staff nurse with Christus Spohn Hospital, Corpus Christi, Texas, and had been in this position for one (1) year and nine (9) months.
7. On or about December 19, 2005, while employed with Christus Spohn Hospital, Corpus Christi, Texas, Respondent lacked fitness to practice vocational nursing in that Respondent exhibited impaired behavior while on duty, including but not limited to: slurred speech; bloodshot eyes; stumbling; unable to focus; and she was having difficulty administering medications. 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, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about December 19, 2005, while employed with Christus Spohn Hospital, Corpus Christi, Texas, Respondent engaged in the intemperate use of Lortab and an undisclosed sleep aid, in that Respondent admitted that she had consumed Lortab and a sleeping pill the

night prior to reporting for duty. The use of Lortab 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.

9. On or about August 31, 2006, while employed with Kindred Hospital, Corpus Christi, Texas, Respondent lacked fitness to practice vocational nursing in that Respondent exhibited bizarre behavior while on duty, including but not limited to unsteady gait and slurred speech. 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, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
10. On or about August 31, 2006, while employed with Kindred Hospital, Corpus Christi, Texas, Respondent engaged in the intemperate use of Lortab and Phenergan, in that Respondent admitted that she had consumed Lortab and Phenergan before she reported for duty. The use of Lortab and Phenergan 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.
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. Charges were filed on March 9, 2007.
14. Charges were mailed to Respondent on March 16, 2007.
15. On May 8, 2007, Respondent's license to practice vocational nursing was Revoked by the Board of Nurse Examiners for the State of Texas. On August 14, 2007, Respondent's Motion for Rehearing in this matter was GRANTED and the Order issued on May 8, 2007 revoking Respondent's vocational licence was set aside.
16. Respondent's conduct described in Finding of Fact Numbers was significantly influenced by Respondent's dependency on chemicals.
17. 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)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(E),(5) &(10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 66539, heretofore issued to JERRI LYNN ROBERTS, including revocation of Respondent's vocational 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, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty hundred dollars (\$350) payable to 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 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 privileges, if any, to practice vocational 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 licensure privileges, if any, to practice vocational nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

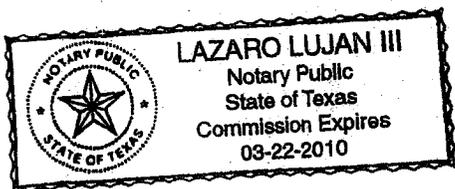
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of October, 2007.

Jenni Lynn Roberts
JERRI LYNN ROBERTS, Respondent

Sworn to and subscribed before me this 26 day of October, 2007.

SEAL



Lazaro Lujan III
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 26 day of October, 2007, by JERRI LYNN ROBERTS, Vocational Nurse License Number 66539, and said Order is final.

Entered and effective this 2nd day of November, 2007.


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



I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date: 11/12/07
Signed: Connie Bryant