



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered License Number 639634 § AGREED  
and Vocational Nurse License Number 137100 §  
issued to JANICE FAYE COLLIER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JANICE FAYE COLLIER, Registered Nurse License Number 639634, Vocational Nurse License Number 137100, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(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 May 20, 2009, 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's license to practice professional nursing in the State of Texas is in inactive status at the time of this pleading. Respondent's licence to practice vocational nursing is in delinquent status at the time of this pleading.
4. Respondent received a Certificate in Vocational Nursing from Kingwood College, Kingwood, Texas on January 17, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on May 27, 1992. Respondent received an Associate Degree in Nursing from Darton College, Albany, Georgia, on December 8, 1995. Respondent was licensed to practice professional nursing in the State of Texas on April 24, 1997.

5.

Respondent's vocational and professional nursing employment history includes:

05/1992 - 06/1997	Employment History Unknown	
06/1997 - 10/2002	RN	Huntsville Memorial Hospital Huntsville, Texas
10/2002 - 02/2003	Employment History Unknown	
02/2003 - 09/2006	RN	Alpha Omega Home Care Montgomery, Texas
09/2006 - 12/2006	Employment History Unknown	
12/2006 - 09/2008	RN	Huntsville Memorial Hospital Huntsville, Texas
09/2008 - Present	Respondent on Disability	

6. At the time of the initial incident, Respondent was employed as a Registered with Huntsville Memorial Hospital, Huntsville, Texas, and had been in this position for one (1) year and nine (9) months.
7. On or about September 10, 2008, while employed as a Register Nurse with Huntsville Memorial Hospital, Huntsville, Texas, Respondent lacked fitness to practice professional nursing, in that she had barely legible handwriting; was disoriented; her eyes were closed while standing up to talk; she leaned on a desk and started sliding across the desk and did not notice; and had mood swings from manic to somnolent. 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.
8. In response to Findings of Fact Number Seven (7), Respondent states; "I had been at work for about thirty minutes when I was asked to provide urine for a drug screen. I was told that sometimes my speech was slightly slurred. I have had all my upper teeth pulled and wear an upper denture and a lower partial. I had the dental work six months prior to the incident and have had several complications to date. My dentist forewarned me of possible changes in speech until I got used to wearing the dentures. I was asked what drugs would show up in my urine. I told them that my pain control doctor, has prescribed me Oxycodone 80mg

TID and Hydrocodone 10mg BID PRN for breakthrough pain. I was also told that I also seemed sleepy all of the time. I have been diagnosed with sleep apnea which can cause day time sleepiness. I didn't mention this because by then I had realized it wasn't going to matter. Home health nurses do extremely high amounts of paperwork and it's possible that if I was in a hurry my handwriting in my notes may not be as neat as usual. I was also trying to squeeze a lot of writing in a small place. In response to the allegation of my eyes being closed while standing up to talk, the only thing that I can think of is that this refers to my problem with dry eyes. I wear contact lenses and sometimes, especially at the end of the day, or during allergy season. The allegation that I leaned on my desk and started sliding across the desk, but did not notice. I do not remember this happening. I have never been disoriented in my life. I deny I had mood swings."

9. On or about September 10, 2008, while employed as a Register Nurse with Huntsville Memorial Hospital, Huntsville, Texas, Respondent engaged in the intemperate use of narcotics in that she submitted a specimen for a drug screen which resulted positive for Hydrocodone, Hydromorphone, Oxycodone, and Oxymorphone. Respondent also reported taking 20mg of narcotics before and during work. The use of narcotics 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.
10. In response to Finding of Fact Number Nine (9), Respondent states; "I had taken my Oxycodone that morning (as prescribed by my doctor) and I told my manager this when she asked me what would show up in my urine. I did not take any of the narcotics while I was at work. I had only been there for approximately thirty minutes. I am not denying that I take prescription medications."
11. In Response to Findings of Fact Numbers Seven (7) and Nine (9), Respondent states; "I have placed my licence in inactive status and due to persistent back pain associated with lumbar spondylosis, postlaminectomy Syndrome, epidural fibrosis and lumbar radiculopathy. I am unable to work at this time and am currently receiving disability. There is no treatment available for my current condition. I will continue with pain management therapy to control my pain and will not return to nursing until my condition has been alleviated."
12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to 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)(9),(10),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)&(T), and 22 TEX. ADMIN. CODE §217.12(1)(E),(5)&(10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 639634 and Vocational License Number 137100, heretofore issued to JANICE FAYE COLLIER, including revocation of Respondent's licenses 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 with Stipulations, 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 licenses are 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 licenses issued to JANICE FAYE COLLIER, 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.

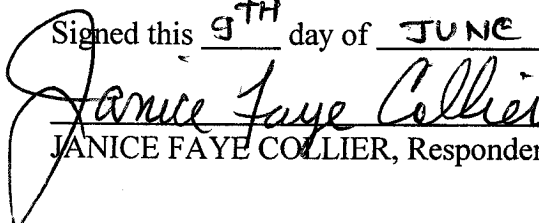
BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9<sup>TH</sup> day of JUNE, 2009.

  
\_\_\_\_\_  
JANICE FAYE COLLIER, Respondent

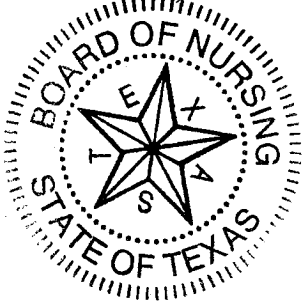
Sworn to and subscribed before me this 9<sup>TH</sup> day of JUNE, 2009.

SEAL


  
\_\_\_\_\_

Notary Public in and for the State of TEXAS.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of June, 2009, by JANICE FAYE COLLIER, Registered Nurse License Number 639634 and Vocational Nurse License Number 137100, and said Order is final.



Effective this 24th day of July, 2009.

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