

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 640586
ISSUED TO
TERRI REICHERT

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia P. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Terri Reichert
845 FM 80 N
Streetman, Texas 75859

During open meeting held in Austin, Texas, on Tuesday, June 9, 2009, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 640586, previously issued to TERRI REICHERT, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 640586, previously issued to TERRI REICHERT, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 9th day of June, 2009.

TEXAS BOARD OF NURSING

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 2009, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Terri Reichert
845 FM 80 N
Streetman, Texas 75859

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of Permanent License
Number 640586, Issued to
TERRI REICHERT, Respondent**

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**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TERRI REICHERT, is a Registered Nurse holding license number 640586, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about June 13, 2007 to February 5, 2008, Respondent was non-compliant with the Agreed Order issued to her by the Board of Nurse Examiners for the State of Texas on March 26, 2007. Non-compliance is the result of Respondent's failure to submit to required drug screens, and provide meeting attendance logs and reports. Stipulation number three (3) of the Agreed Order, dated March 26, 2007, states:

RESPONDENT SHALL comply with all requirements of the TPAPN contact during its term.

A copy of the March 26, 2007 Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

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).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

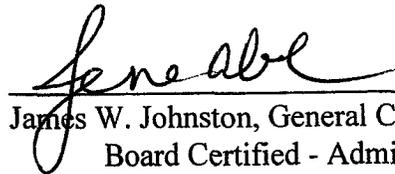
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, Lying and Falsification, and Fraud, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated March 26, 2007.

Filed this 17th day of April, 2009.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated March 26, 2007

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Respondent's professional nursing employment history continued:

Unknown	Staff Nurse (PRN)	Parkview Regional Hospital Mexia, Texas
5/03-5/04	Staff Nurse	Palestine Regional Medical Center Palestine, Texas
6/04-10/04	Unknown	
11/04-12/05	Staff Nurse	Navarro Regional Hospital Corsicana, Texas
1/06-2/06	Unknown	
3/06-5/06	Staff Nurse	Navarro Regional Hospital Corsicana, Texas
6/06-8/06	Agency Nurse	Elite Nursing Services Palestine, Texas
8/06-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as an Agency Nurse with Elite Nursing Services, Palestine, Texas, and working at Hill Regional Hospital, Hillsboro, Texas, and had been in this position for approximately two (2) months.
7. On or about August 19, 2006, and August 21, 2006, while employed with Elite Nursing Services, Palestine, Texas, and working at Hill Regional Hospital, Hillsboro, Texas, Respondent falsified the physician's orders for Lortab in the medical records of Patient Medical Record Numbers 3215118, 3215121, 3215120, 3215079, and 3215076, in that Respondent admitted to falsifying the physician's orders. Respondent's conduct was likely to deceive subsequent care givers and injure the patients in that the administration of Lortab without a valid physician's order could result in the patients suffering from adverse reactions.
8. On or about August 19, 2006, and August 21, 2006, while employed with Elite Nursing Services, Palestine, Texas, and working at Hill Regional Hospital, Hillsboro, Texas, Respondent misappropriated Lortab belonging to the facility and patients thereof in that Respondent admitted to the misappropriation for her personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

9. On or about January 18, 2007, Respondent was arrested by the Malakoff Police Department, Malakoff, Texas, for passing an unauthorized, fraudulent prescription for Lortab and Lorazepam under the name and Drug Enforcement Administration (DEA) number of Bruce Watson, M.D. On or about January 19, 2007, Respondent was arraigned and released from the Henderson County Jail on bail. This case is currently pending. Respondent's conduct was likely to deceive the pharmacy and possession of Lortab and Lorazepam through use of an unauthorized, fraudulent prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about August 19, 2006, through January 19, 2007, Respondent engaged in the intemperate use of controlled substances, including, but not limited to, Lortab in that Respondent admitted that she stole the prescription pad of Bruce Watson, M.D., and passed at least two (2) fraudulent prescriptions for Lortab for the purpose of intemperately using the medication. Possession of Lortab is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Lortab 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. Respondent states that after she was arrested for the above-mentioned offense, as stated in Finding of Fact Number Nine (9), she realized that she was addicted and needed help. Respondent states that once she was released from jail on January 19, 2007, she immediately sought rehabilitation at Richardson Regional Medical Center, Richardson, Texas, where she was admitted for inpatient treatment. On January 22, 2007, Respondent was released from Richardson Regional Medical Center, Richardson, Texas, and advised to continue with outpatient treatment, which Respondent has agreed to do.
12. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. The Board finds that there exists serious risks to public health and safety due to intemperate use of controlled substances or chemical dependency.
14. The Board considers Respondent's date of sobriety to be January 19, 2007, as stated in Finding of Fact Number Ten (10).
15. Respondent's conduct described in the preceding Findings of Fact was significantly influenced by Respondent's impairment by dependency on chemicals.
16. 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(C)&(D)(iii), and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(5),(6)(A)&(G),(10)(A),(B)&(E),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 640586, heretofore issued to TERRI REICHERT, 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, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 640586, previously issued to TERRI REICHERT, to practice professional nursing in Texas is hereby SUSPENDED and said suspension is enforced until such time that Respondent complies with the requirements of Stipulations Numbers One (1) and Two (2) of this Order.

IT IS FURTHER 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's suspension will be stayed upon Respondent's compliance with the requirements of Stipulations Numbers One (1) and Two (2).

Once said suspension is stayed, Respondent's license shall be probated until Respondent completes all requirements of this final order.

(1) RESPONDENT SHALL, make a payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN at time of application and entry into the TPAPN program.

(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.

(5) IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of or receive a deferred order for the offense(s) as outlined in Finding of Fact Number Nine (9), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice professional nursing in the State of Texas.

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 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 licensure 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. 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

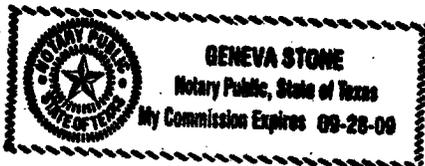
Signed this 9 day of March, 2007.

Terri Reichert
TERRI REICHERT, Respondent

Sworn to and subscribed before me this 9 day of March, 2007.

SEAL

Geneva Stone
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 9th day of March, 2007, by TERRI REICHERT, Registered License Number 640586, and said Order is final.

Entered and effective this 26th day of March, 2007.



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