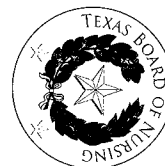


BEFORE THE TEXAS BOARD OF NURSING



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.
Executive Director of the Board

In the Matter of Vocational Nurse License Number 176953 § AGREED
issued to LAURA MARIE NIEMEYER § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 176953, issued to LAURA MARIE NIEMEYER, 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 proceedings, notice 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, 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 Metro Tech Vocational Institute, Phoenix, Arizona on May 28, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on August 30, 2000.
5. Respondent's vocational nursing employment history includes:

July 1993 - February 1999

LVN
Cigna Urgent Care
Mesa, Arizona

Respondent's vocational nursing employment history continued:

April 2000 - May 1999	LVN Kaiser Permanente Portland, Oregon
June 1999 - October 2000	Unknown
November 2000 - November 20004	LVN Baylor Medical Center at Garland Garland, Texas
December 2004 - January 2005	Unknown
January 2005 - March 2008	LVN Baylor Medical Center at Garland Garland, Texas
April 2008 - May 2008	LVN Care Now Coppell, Texas
June 2008 - Present	Unknown

6. On January 13, 2009, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate in and successfully complete the Texas Peer Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Order dated January 13, 2009, is attached and incorporated, by reference, as part of this Order.
7. On or about March 10, 2009, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on January 13, 2009. Non-compliance is the result of Respondent's failure to apply to the Texas Peer Assistance Program for Nurses (TPAPN). When contacted by TPAPN, Respondent declined participation due to not having the money for the participation fee. Respondent also stated that she intends to reside and work in Arizona. Stipulation Number One (1) of the Order dated January 13, 2009 states:

"(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) payable to TPAPN."

8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
9. 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.
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.

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 violation of Section 301.452(b)(1) & (10), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.12(9) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 176953, heretofore issued to LAURA MARIE NIEMEYER, including revocation of Respondent's 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 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 176953, heretofore issued to LAURA MARIE NIEMEYER, to practice 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 LAURA MARIE NIEMEYER, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "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 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 nursing in the State of Texas.

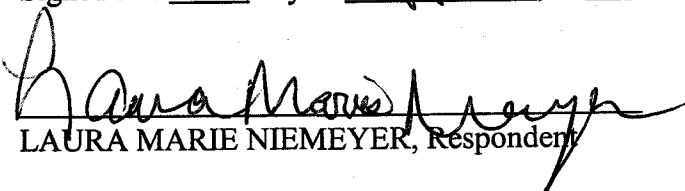
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RESPONDENT'S CERTIFICATION

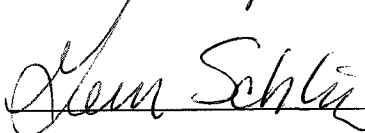
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and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

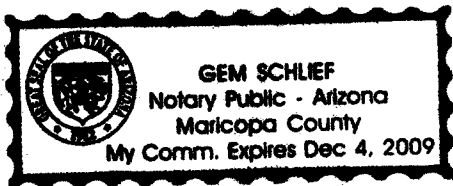
Signed this 11 day of April, 2009


LAURA MARIE NIEMEYER, Respondent

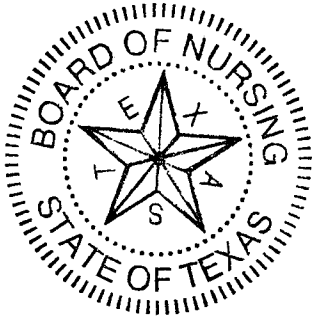
Sworn to and subscribed before me this 11 day of April, 2009.

SEAL



Notary Public in and for the State of Arizona



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 176953, previously issued to LAURA MARIE NIEMEYER.



Effective this 20th day of April, 2009.


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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse	§	AGREED
License Number 176953	§	
issued to LAURA MARIE NIEMEYER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LAURA MARIE NIEMEYER, Vocational Nurse License Number 176953, 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 informal conference, notice and hearing, and agreed to the entry of this Order offered on October 14, 2008, 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 conference, 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 Metro Tech Vocational Institute, Phoenix, Arizona on May 28, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on August 30, 2000.
5. Respondent's vocational nursing employment history includes:

July 1993 - February 1999

LVN
Cigna Urgent Care
Mesa, Arizona

Respondent's vocational nursing employment history continued:

April 2000 - May 1999	LVN Kaiser Permanente Portland, Oregon
June 1999 - October 2000	Unknown
November 2000 - November 20004	LVN Baylor Medical Center at Garland Garland, Texas
December 2004 - January 2005	Unknown
January 2005 - March 2008	LVN Baylor Medical Center at Garland Garland, Texas
April 2008 - May 2008	LVN Care Now Coppell, Texas
June 2008 - Present	Unknown

6. On or about September 5, 2006, through September 18, 2006, while employed with Baylor Medical Center at Garland, Garland, Texas, Respondent removed Dilaudid from the facility medication dispensing system for patients but failed to follow facility policy and procedure in place for the proper wastage of the unused portions of the Dilaudid as follows.

Pyxis Date/Time	Patient ID#	Medication Pulled & Qty	ED Physician's Order	ED Med Record Time Administered	Wastage
9/5/06 0130	4056742	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	135	Not indicated
9/5/06 0519	4056752	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	530	Not indicated
9/5/06 2207	4057215	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	2210	Not Indicated
9/5/06 2211	4057214	Hydromorphone Inj. 4mg (1)	Dilaudid 3mg IV	2215	Not indicated
9/6/06 0131	4057244	Hydromorphone Inj. 4mg (1)	Dilaudid 1mg IV	135	Not Indicated

9/6/06 0144	4057253	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	155	Not indicated
9/6/06 1910	4057522	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	1910	Not indicated
9/6/06 2113	4057593	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	2115	Not indicated
9/6/06 2143	4058217	Hydromorphone Inj. 4mg (1)	Dilaudid 1mg IV	2150	Not indicated
9/7/06 2033	4058210	Hydromorphone Inj. 4mg (1)	Dilaudid 1mg IV	2035	Not indicated
9/7/06 2324	4058219	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	2325	Not indicated
9/12/06 0132	4059654	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	145	Not indicated
9/12/06 0445	4059669	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	Illegible	Not indicated
9/12/06 2110	4060138	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	2115	Not indicated
9/13/06 1958	4060567	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	1958	Not indicated
9/13/06 2226	4060588	Hydromorphone Inj. 4mg (1)	No PO until 9/14/06 0545	Not documented	Not indicated
9/14/06 0037	4060609	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	0045	Not indicated
9/14/06 2021	4061040	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	2020	Not indicated
9/14/06 2035	4061035	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	2040	Not indicated
9/14/06 2208	4061057	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	2210	Not indicated
9/15/06 1959	4061424	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	2000	Not indicated
9/15/06 2023	4061504	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	2030	Not indicated
9/15/06 2105	4061472	Hydromorphone Inj. 4mg (1)	Dilaudid 2mg IV	2105	Not indicated
9/18/06 2002	4062394	Hydromorphone Inj. 4mg (1)	Dilaudid 1mg IV	Not documented	Not indicated

9/18/06 2008	4062403	Hydromorphone Inj. 4mg (1)	Dilaudid 1mg IV	2025	Not indicated
9/18/06 2018	4062412	Hydromorphone Inj. 4mg (1)	Dilaudid 1mg IV	2020	Not indicated

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

7. On or about September 5, 2006, through September 18, 2006, while employed with Baylor Medical Center at Garland, Garland, Texas, Respondent misappropriated Dilaudid belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about September 21, 2006, while employed with Baylor Medical Center at Garland, Garland, Texas, Respondent engaged in the intemperate use of Dilaudid in that she submitted a specimen for a drug screen which resulted positive for Dilaudid. Possession of Dilaudid is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Dilaudid 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 January 22, 2008, while participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate and/ or unlawful use of Codeine in that she submitted a specimen for a drug screen which resulted positive for Codeine. Possession of Codeine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Codeine 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. On or about May 26, 2008, while employed with Care Now, Coppell, Texas, Respondent lacked fitness to practice vocational nursing in that she was observed to be unresponsive for several minutes in the bathroom. Respondent was also observed to be bleeding from her left arm. A syringe loaded with a substance was observed on the floor near Respondent in the bathroom. The substance subsequently tested positive for cocaine, and Respondent was arrested for "Possession of Cocaine Less than 1 Gram," by the Garland Police Department, Garland, Texas. 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.

11. On or about May 26, 2008, while employed with Care Now, Coppell, Texas, Respondent engaged in the intemperate use of Cocaine in that she admitted to such intemperate use. 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.
12. 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.
13. 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.
14. Respondent's conduct described in Findings of Fact Numbers Six (6) through Eleven (11) resulted from Respondent's impairment by dependency on chemicals.
15. 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), (10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G), (10)(A)(C)(D) & (11)(B).
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 176953, heretofore issued to LAURE MARIE NIEMEYER, 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 LAURA MARIE NIEMEYER, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(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) 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, SHOULD RESPONDENT be convicted of or receive a deferred order for the offense as outlined in Finding of Fact Number Ten (10), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice

vocational nursing in the State of Texas.

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 revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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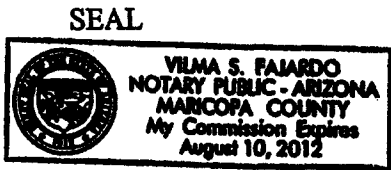
RESPONDENT'S CERTIFICATION

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 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 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 18 day of Dec, 2008.

Laura Marie Niemeyer
LAURA MARIE NIEMEYER, Respondent

Sworn to and subscribed before me this 18th day of Dec, 2008.



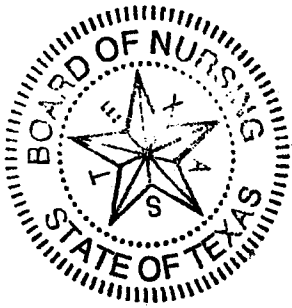
Vilma S. Fajardo
Notary Public in and for the State of ARIZONA

Approved as to form and substance.


Louis Leichter
LOUIS LEICHTER, Attorney for Respondent

Signed this 18 day of Dec, 2008.

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 18th day of December, 2008, by LAURA MARIE NIEMEYER, Vocational Nurse License Number 176953, and said Order is final.



Entered and effective this 13th day of January, 2009.


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