



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 Nurse § AGREED
License Number 252560, issued to §
CHARLOTTE ANN HAWKINS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHARLOTTE ANN HAWKINS, Registered Nurse License Number 252560, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 3, 2009, 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 proceedings, 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 Baccalaureate Degree in Nursing from Methodist Hospital, School of Nursing, Lubbock, Texas, on May 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1980.
5. Respondent's nursing employment history includes:

09/80 - 09/94	Unknown	
10/94 - 03/95	Staff Nurse Med/Surg	Guam Memorial Hospital Authority Tamuning, Guam

Respondent's professional nursing employment history continued:

04/95 - 05/96	Staff Nurse	US Naval Hospital Guam Agana Heights, Guam
08/96 - 03/99	Staff Nurse	Abilene Regional Medical Hospital Abilene, Texas
11/96 - 05/99	Staff Nurse	Dyess AFB Hospital Dyess AFB, Texas
07/99 - 06/07	Staff Nurse	Rolling Plains Memorial Hospital Sweetwater, Texas
11/07 - 05/08	Staff Nurse	Hendrick Health System Abilene, Texas
09/08 - 01/09	Staff Nurse	Kinder Hearts Home Health Abilene, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Rolling Plains Memorial Hospital, Sweetwater, Texas, and had been in this position for seven (7) years and eleven (11) months.
7. On or about June 20, 2007, while employed with Rolling Plains Memorial Hospital, Sweetwater, Texas, Respondent engaged in the intemperate use of alcohol in that Respondent reported on duty with the smell of alcohol on her breath, she displayed erratic inappropriate behavior, her conversations were loud and irrational and she admitted to drinking that morning prior to reporting for duty. 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 incidents in Findings of Fact Numbers Nine (9) and Ten (10), Respondent was employed as a Staff Nurse with Hendrick Health System, Abilene, Texas, and had been in this position for six (6) months.
9. On or about May 14, 2008, while employed with Hendrick Health System, Abilene, Texas, Respondent lacked fitness to practice in that while on duty Respondent exhibited behavior which included confusion, inappropriate handling of equipment while caring for patients, decreased motor skills, slurred speech, emotional distress, she lost consciousness and was transferred to the emergency department. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her 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 14, 2008, while employed with Hendrick Health System, Abilene, Texas, Respondent engaged in the intemperate use of alcohol in that Respondent submitted a specimen for a drug screen which resulted positive for alcohol and she admitted to consuming alcohol prior to reporting for duty. 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. At the time of the incidents in Findings of Fact Number Twelve (12) and Thirteen (13), Respondent was employed as a Staff Nurse with Kinder Hearts Home Health, PLLC, Abilene, Texas, and had been in this position for four (4) months.
12. On or about January 30, 2009, while employed with Kinder Hearts Home Health, PLLC, Abilene, Texas, Respondent lacked fitness to practice professional nursing in that while on duty and after attempting to perform a skilled nursing visit she arrived at the office and was observed by staff to have slurred speech, unsteady gait, and was unable to carry a conversation. Respondent was carrying a cup which was believed to contain alcohol. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
13. On or about January 30, 2009, while employed with Kinder Hearts Home Health, PLLC, Abilene, Texas, Respondent engaged in the intemperate use of Alcohol in that Respondent submitted to two Breath Alcohol Tests which resulted positive for Alcohol at .099% and she admitted to consuming Alcohol. 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.
14. 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.
15. 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.
16. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Thirteen (13) resulted from Respondent's impairment by 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 violations of Section 301.452(b)(9)& (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A)(E),(4),(5), & (10)(A)(D).
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 252560, heretofore issued to CHARLOTTE ANN HAWKINS, 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 CHARLOTTE ANN HAWKINS, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(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 five hundred dollars (\$500.00) 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 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 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

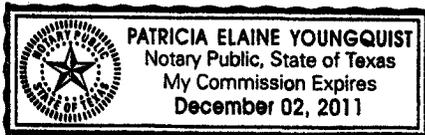
Signed this 20th day of March, 2009.

Charlotte Ann Hawkins
CHARLOTTE ANN HAWKINS, Respondent

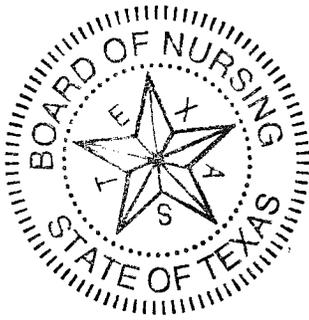
Sworn to and subscribed before me this 20th day of March, 2009.

SEAL

Patricia Elaine Youngquist
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 and enter the Agreed Order that was signed on the 20th day of March, 2009, by CHARLOTTE ANN HAWKINS, Registered Nurse License Number 252560, and said Order is final.



Entered and effective this 26th day of March, 2009.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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