



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 R. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Vocational Nurse License Number 134120 §
issued to CATHALEEN PERKINS §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 134120, issued to CATHALEEN PERKINS, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Blinn College, Brenham, Texas, on August 23, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on December 3, 1991.
4. Respondent's complete vocational nursing employment history is unknown.
5. On or about June 7, 1999, Respondent was issued the sanction of Suspend/Probate through an Agreed Order by the Board. A copy of the Finding of Fact, Conclusions of Law and Order dated June 7, 1999, is attached and incorporated herein by reference as part of this Order.
6. On or about August 13, 2007, Respondent was issued the sanction of Remedial Education through an Agreed Order by the Board. A copy of the Finding of Fact, Conclusions of Law and Order dated August 13, 2007, is attached and incorporated herein by reference as part of this Order.

7. Formal Charges were filed on September 14, 2012, A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
8. Formal Charges were mailed to Respondent on September 20, 2012.
9. On October 10, 2012, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated October 3, 2012, is attached and incorporated herein by reference as part of this Order.
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 evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE § 217.11(1)(A), (B) & (D). and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(6)(G),(8),(10)(B)&(C) and (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 134120, heretofore issued to CATHALEEN PERKINS, including revocation of Respondent's license(s) 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, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 134120, heretofore issued to CATHALEEN PERKINS, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of 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.
2. 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.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 15th day of October, 2012.



TEXAS BOARD OF NURSING

By:

Katherine A. Thomas

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

October 3, 2012

To: Texas Board Of Nursing

Attn: Christen M. Werley, Investigator

I, Cathaleen Perkins, am at this time voluntarily surrendering my Texas Vocational Nursing license #134120.

As to the formal charges brought against me by the Texas Board Of Nursing. I plead as follows: Charge I.- Not guilty, Charge II.-Not guilty, Charge III.- Not guilty, And Charge IV.- Not guilty. Unfortunately I am not financially able to seek out legal counsel for myself to defend my pleas of not guilty, therefore as stated, I see no other option other than to surrender my licensure at this time.

Sincerely,

Cathaleen Perkins

In the Matter of
 Permanent Vocational Nurse
 License Number 134120
 Issued to CATHALEEN PERKINS,
 Respondent

§ BEFORE THE TEXAS
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 § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CATHALEEN PERKINS, is a Vocational Nurse holding License Number 134120, which is in current 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 March 13, 2011, through April 24, 2011, while employed as a Licensed Vocational Nurse with Kruse Memorial Lutheran Village, Brenham, Texas, Respondent withdrew Hydrocodone and Tylenol #3 from the Medication Dispensing System for patients but failed to document, or completely and accurately document the administration of, including signs, symptoms and responses to the medications in the patient's Medication Administration Records and/or nurses notes, as follows:

<u>Patient</u>	<u>Date</u>	<u>Time Pulled</u>	<u>Medication</u>	<u>MAR</u>	<u>Nurses Notes</u>	<u>Waste</u>	<u>Order</u>
CG	03/13/11	0800	Hydro/APAP 5/325 (2)	None	None	None	hydrocodone/acetaminophen 5/325 1-2 tablets PO three times daily PRN Pain
CG	03/16/11	1700	Hydro/APAP 5/325 (2)	None	None	None	hydrocodone/acetaminophen 5/325 1-2 tablets PO three times daily PRN Pain
WH	04/04/11	1730	Tylenol #3 (1)	None	None	None	Tylenol #3 1-2 tabs PO Q4Hrs PRN Pain
WH	04/04/11	2130	Tylenol #3 (1)	None	None	None	Tylenol #3 1-2 tabs PO Q4Hrs PRN Pain
WH	04/05/11	1830	Tylenol #3 (1)	None	None	None	Tylenol #3 1-2 tabs PO Q4Hrs PRN Pain
WH	04/15/11	1700	Tylenol #3 (1)	None	None	None	Tylenol #3 1-2 tabs PO Q4Hrs PRN Pain
WH	04/15/11	1900	Tylenol #3 (1)	None	None	None	None: Medication Discharged on 04/14/11
LK	04/24/11	0900	Hydro/APAP 5/325 (2)	None	None	None	Hydro-APAP 5/325 1 tablet PO every 4H PRN Pain
LK	04/24/11	1800	Hydro/APAP 5/325 (2)	None	None	None	Hydro-APAP 5/325 1 tablet PO every 4H PRN Pain

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(10)(B).

CHARGE II.

On or about March 13, 2011, through April 24, 2011, while employed as a Licensed Vocational Nurse with Kruse Memorial Lutheran Village, Brenham, Texas, Respondent withdrew Hydrocodone and Tylenol #3 from the Medication Dispensing System for patients but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications, as follows:

<u>Patient</u>	<u>Date</u>	<u>Time Pulled</u>	<u>Medication</u>	<u>MAR</u>	<u>Nurses Notes</u>	<u>Waste</u>	<u>Order</u>
CG	03/13/11	0800	Hydro/APAP 5/325 (2)	None	None	None	hydrocodone/acetaminophen 5/325 1-2 tablets PO three times daily PRN Pain
CG	03/16/11	1700	Hydro/APAP 5/325 (2)	None	None	None	hydrocodone/acetaminophen 5/325 1-2 tablets PO three times daily PRN Pain
WH	04/04/11	1730	Tylenol #3 (1)	None	None	None	Tylenol #3 1-2 tabs PO Q4Hrs PRN Pain
WH	04/04/11	2130	Tylenol #3 (1)	None	None	None	Tylenol #3 1-2 tabs PO Q4Hrs PRN Pain
WH	04/05/11	1830	Tylenol #3 (1)	None	None	None	Tylenol #3 1-2 tabs PO Q4Hrs PRN Pain
WH	04/15/11	1700	Tylenol #3 (1)	None	None	None	Tylenol #3 1-2 tabs PO Q4Hrs PRN Pain
WH	04/15/11	1900	Tylenol #3 (1)	None	None	None	None: Medication Discharged on 04/14/11
LK	04/24/11	0900	Hydro/APAP 5/325 (2)	None	None	None	Hydro-APAP 5/325 1 tablet PO every 4H PRN Pain
LK	04/24/11	1800	Hydro/APAP 5/325 (2)	None	None	None	Hydro-APAP 5/325 1 tablet PO every 4H PRN Pain

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).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(10)(C)&(11)(B).

CHARGE III.

On or about April 15, 2011, while employed as a Licensed Vocational Nurse with Kruse Memorial Lutheran Village, Brenham, Texas, Respondent withdrew Tylenol #3 from the Medication Dispensing System for patient WH without a valid physicians' order in that the medication had been discontinued on April 14, 2011, as follows:

<u>Patient</u>	<u>Date</u>	<u>Time Pulled</u>	<u>Medication</u>	<u>MAR</u>	<u>Nurses Notes</u>	<u>Waste</u>	<u>Order</u>
WH	04/15/11	1900	Tylenol #3 (1)	None	None	None	None: Medication Discontinued on 04/14/11

Respondent's conduct was likely to injure the patient in that the administration of Tylenol #3 without a valid physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(B), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(10)(B).

CHARGE IV.

On or about March 13, 2011, through April 24, 2011, while employed as a Licensed Vocational Nurse with Kruse Memorial Lutheran Village, Brenham, Texas, Respondent misappropriated Hydrocodone and Tylenol #3 belonging to the facility or patient's 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G),(8) and (11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and 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 Section 301.461, Texas Occupations Code. 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.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on for Lying and Falsification, for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated August 13, 2007.

Filed this 14th day of September, 2012.

TEXAS BOARD OF NURSING



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

Jena Abel, Assistant General Counsel
State Bar No: 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

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

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

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State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated August 13, 2007

D/2012.06.19

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse	§	AGREED
License Number 134120	§	
issued to CATHALEEN PERKINS	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of CATHALEEN PERKINS, Vocational Nurse License Number 134120, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528(c), sec.(10)(a)(9), Revised Civil Statutes of Texas, as amended, and Sections 301.452(b)(3),(4),&(10), and 302.402(a)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 21, 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 currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from Blinn College, Brenham, Texas, on August 23, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on December 3, 1991.
5. Respondent's complete vocational nursing employment history is unknown.

6. On or about June 7, 1999, Respondent was issued the sanction of Probation by the Board of Vocational Nurse Examiners for the State of Texas. Board records indicate that Respondent violated the June 7, 1999, Board Order. On or about June 6, 2000, Respondent was issued the sanction of Probation by the Board of Vocational Nurse Examiners for the State of Texas. Board records indicate that on or about October 11, 2001, Respondent completed her Order. A copy of the June 7, 1999, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On or about March 23, 2007, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she answered "Yes" to the following question, "Have you ever been convicted...?" Respondent disclosed the following offenses:
 - A. On or about March 19, 2003, Respondent plead "Guilty" to Failure to Maintain Financial Responsibility, a Class B Misdemeanor, in the County Court at Law, Washington County, Texas, Cause #03-180. Respondent was assessed a fine and court costs in the amount of seven hundred fifty-six dollars (\$756.00).
 - B. On or about October 20, 2004, Respondent plead "Guilty" to Theft of Property \$20 <\$500 By Check, in the County Court at Law, Washington County, Texas, Cause #03-490. Respondent was sentenced to serve twelve (12) months Deferred Probation and assessed a fine and court costs in the amount of four hundred six dollars (\$406.00).

On or about August 28, 2006, Judgment Revoking Deferred Adjudication - Sentenced Not Probated was ordered. Respondent was sentenced to serve fifteen (15) days in the Washington County Jail and ordered to pay Restitution in the amount of three hundred twenty-one dollars and forty cents (\$321.40), and assessed a fine and court costs in the amount of four hundred six dollars (\$406.00).

Respondent failed to disclose the following offense:

- C. On or about March 17, 1999, Respondent plead "Guilty" to Theft of Property \$20 <\$500 By Check, a Class B Misdemeanor, in the Brenham County Court of Law, Brenham County, Texas, Cause #98-684. Respondent was sentenced to six (6) months deferred adjudication probation, and assessed a fine and court costs in the amount of three hundred sixty-four dollars (\$364.00).
9. On or about March 20, 2007, Respondent submitted a written statement related to Finding of Fact number Seven (7), which states that in June 2003, Respondent was forced to resign after the motor blew up in her vehicle. In February 2003, she had received a traffic violation for no liability insurance which she went to court and was set up on a payment plan. Due to financial distress she was not able to obtain another vehicle, nor repair the blown motor in her vehicle, and she had to move to her mother's residence since she was unable to

financially care for herself. During this chaotic time Respondent also had a hot check floating around which she didn't find out about until September of 2004 when she received a second traffic violation for no liability insurance while driving her brother's vehicle. As a result of these two offenses, her driver's license was suspended on November 9, 2004. Respondent recently began repaying these fines and fee by sitting them out doing jail time.

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 Article 4528(c), sec. 10(a)(9), TEX. REV. CIV. STAT. ANN., and Sections 301.452(b)(3)(4)&(10) and 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(29)(A)(iii) and §217.12(13).
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 134120, heretofore issued to CATHALEEN PERKINS, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational 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 privilege, 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 that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to CATHALEEN PERKINS to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following*

Board website address: <http://www.bne.state.tx.us/about/stipscourses.html>.

(3) RESPONDENT SHALL pay a monetary fine in the amount of Two Hundred Fifty Dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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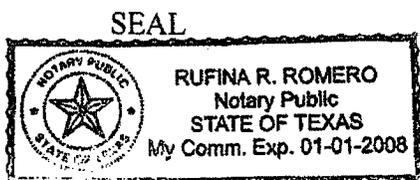
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RESPONDENT'S CERTIFICATION

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. 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 when this Order becomes final and the terms of this Order become effective, 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 2 day of August, 2007.
Cathaleen Perkins
CATHALEEN PERKINS, Respondent

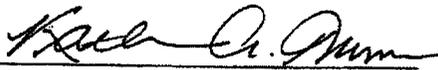
Sworn to and subscribed before me this 2 day of August, 2007.



Rufina Romero
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 ratify and adopt the Agreed Order that was signed on the 2nd day of August, 2007, by CATHALEEN PERKINS, Vocational Nurse License Number 134120, and said Order is final.

Effective this 13th day of August, 2007.



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

BOARD OF VOCATIONAL
NURSE EXAMINERS

STATE OF TEXAS

VS.

CATHALEEN FRAEDRICH

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 134120, held by CATHALEEN FRAEDRICH, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas, in the following manner:

I.

a. On or about July 13, 1998, the Board of Vocational Nurse Examiners received a written referral from the Texas Peer Assistance Program for Nurses (TPAPN) alleging that Respondent withdrew from participation.

II.

a. Respondent was employed as a licensed vocational nurse at Staff Search in Austin, Texas from about December 5, 1997 through about June 12, 1998.

b. While so employed at said facility, on or about May 14-15, 1998, Respondent was assigned to Seton Medical Center in Austin, Texas.

c. While so assigned to said facility, on or about May 14-15, 1998, Respondent diverted two (2) Meperidine 100mg injection from patient F.L. and one (1) Meperidine 100mg injection from patient E.J. Furthermore, said patients had no physician's order for Meperidine.

d. While so employed at Staff Search, on or about May 15-16, 1998, Respondent was assigned to Renaissance Women's Center in Austin, Texas.

AGREED BOARD ORDER
RE: CATHALEEN FRAEDRICH, LVN #134120
PAGE 2

e. While so assigned at Renaissance Women's Center, on or about May 15-16, 1998, Respondent diverted two (2) each Meperidine 75mg injection from patients P.L. and L.L. and one (1) Meperidine 75mg injection from patient M.R. Furthermore, said patients had no physician's order for said medication.

f. On or about November 13, 1998, Respondent submitted a written statement to the Board of Vocational Nurse Examiners, acknowledging that she was responsible for the said diversions of Meperidine.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, subject to ratification by the Board of Vocational Nurse Examiners that license number 134120, heretofore issued to CATHALEEN FRAEDRICH, to practice vocational nursing in the State of Texas be, and the same is hereby suspended, with said suspension stayed and placed on probation for a period of two (2) years.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.

AGREED BOARD ORDER
RE: CATHALEEN FRAEDRICH, LVN #134120
PAGE 3

2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Respondent shall work only under the supervision of a licensed medical professional (MD, RN, LVN) who is physically present on the work premises during Respondent's shift assignment(s), throughout the term of the probation.
7. That Respondent shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.
8. That Respondent shall not have access to mood altering medications in the workplace during the first six (6) months of probation.
9. That Respondent shall attend weekly meetings of a Chemical Dependency Support Group (AAVNA), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
10. That Respondent shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's history, and it is incumbent upon Respondent to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.
11. That Respondent shall submit to monthly urine drug screen(s) upon demand of the Board staff for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall submit to random blood alcohol drug screen(s) upon demand of the Board staff throughout the term of probation. Respondent shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with

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adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. That a report of a positive drug screen or unprescribed controlled substances shall be considered a violation of probation.

12. That Respondent shall provide the Board a telephone number by which Respondent may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Respondent must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. eleven (11). An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.

13. That Respondent shall pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, TX 78701". Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 10th day of April, 19 99.

Cathaleen Fraedrich
Signature of Respondent

Rt. 1 Box A-96 Caldwell, TX 77834
Current Address

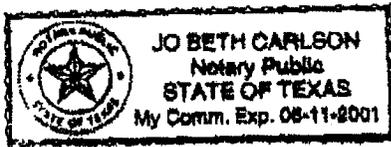
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CALDWELL TX 77836
City, State and Zip
409, 535-4931
Area Code and Telephone Number

The State of Texas
County of BURLESON

Before me, the undersigned authority, on this day personally appeared CATHALEEN FRAEDRICH, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 6TH day of APRIL, 1999.



Jo Beth Carlson
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 6-11-2001

Mary M. Strange, RN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the _____ day of _____, 19____.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS