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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Vocational Nurse	§	
License Number 127007	§	AGREED
issued to TINA GAYE SOWELL	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter refer to as the Board, considered the matter of TINA GAYE SOWELL, Vocational Nurse License Number 127007, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on November 15, 2006, 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 is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Panola Junior College, Carthage, Texas, on August 14, 1989. Respondent was licensed to practice vocational nursing in the State of Texas on December 7, 1989.

5. Respondent's vocational nursing employment history includes:

12/89- 4/94	LVN Staff Nurse	Nacogdoches Medical Center Hospital Nacgdoches, Texas

Respondent's vocational nursing employment history continued:

4/94- 8/94	LVN Charge Nurse	Green Acres Convalescent Center Center, Texas
8/94- 2/99	LVN Staff Nurse	Pine Grove Nursing Center Center, Texas
2/99- 3/01	unknown	
3/01- 3/02	LVN Charge Nurse	Willowbrook Nursing Center Nacogdoches, Texas
4/02- 2/06	Medical Necessity Nurse	Nacogdoches Memorial Hospital Nacogdoches, Texas
2/06- present	unknown	

6. At the time of the incidents, Respondent was employed as a Medical Necessity Nurse with Nacogdoches Memorial Hospital, Nacogdoches, Texas, and had been in this position for approximately three (3) years, ten (10) months.

7. On or about February 14, 2006, through February 15, 2006, while employed at Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent withdrew Ativan and Dilaudid from the Medication Dispensing system for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs), Nurses Notes, or both, as follows:

Date/ Time	Patient	NarcoticRecord (Pyxis)	Physician's Order	Medication Administration Record	Nurses Notes	Waste
2/14/06 @ 21:16	01481-93	(1) Ativan	Ativan Q 4-6 prn	initialed- time/date not recorded	Not documented	None
2/14/06 @ 22:28	01481-93	(1) Ativan	Ativan Q 4-6 prn	initialed- time/date not recorded	Not documented	None
2/15/06 @ 00:50	01481-93	(1) Ativan	Ativan Q 4-6 prn	initialed- time/date not recorded	Not documented	None
2/15/06 @ 02:15	00547-51	(4) Dilaudid	No order	Not documented	Not documented	None

Respondent's conduct above 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.

8. On or about February 14, 2006, through February 15, 2006, while employed at Nacogdoches

Memorial Hospital, Nacogdoches, Texas, Respondent withdrew Ativan from the Medication Dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medications, as follows:

Date/ Time	Patient	NarcoticRecord (Pyxis)	Physician's Order	Medication Administration Record	Nurses Notes	Waste
2/14/06 @ 21:16	01481-93	(1) Ativan	Ativan Q 4-6 prn	initialed- time/date not recorded	Not documented	None
2/14/06 @ 22:28	01481-93	(1) Ativan	Ativan Q 4-6 prn	initialed- time/date not recorded	Not documented	None
2/15/06 @ 00:50	01481-93	(1) Ativan	Ativan Q 4-6 prn	initialed- time/date not recorded	Not documented	None

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).

9. On or about February 14, 2006, through February 15, 2006, while employed at Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent misappropriated narcotics, or failed to prevent the misappropriation of narcotics including, but not limited to, Ativan, belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.

10. On or about February 14, 2006, through February 15, 2006, while employed at Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent lacked fitness to practice vocational nursing in that Respondent exhibited impaired behavior including, but not limited to, falling asleep on duty, exhibiting grogginess and low affect. Respondent's conduct 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 February 14, 2006, while employed at Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent failed to document patient assessments or nursing care rendered for her assigned patients. Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on her documentation to further treat the patients.

12. On or about February 14, 2006, while employed at Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent failed to obtain Patient Medical Record Number 01094-64's consent for a left carotid endarterectomy as ordered by the physician. Respondent's conduct was likely to injure the patient in that the patient could have suffered from adverse complications due to delayed treatment of the patient's disease process.

13. On or about October 3, 2006, and October 16, 2006, Respondent was seen by Dr. Rion N. Hart, Ph.D. to undergo a forensic psychological evaluation with a chemical dependency component and a polygraph test. The results of the MMPI-2 yielded elevations on a number of scales indicative of an individual who is feeling very depressed and discouraged. There were also elevations on supplementary scales indicating post traumatic-like symptoms with abundant anxiety and marital distress. Respondent stated to the polygraph examiner that on February 14, 2006, through February 15, 2006, she was very tired and kept falling asleep at work because she took several medications. Respondent stated that she had taken two (2) Vicodin ES for a toothache before she went in to work and another Vicodin ES about an hour after she arrived for work. Respondent admitted that she uses Ephedrine to stay awake many times, and that she has injected herself with Toradol, Benadryl, Solumedrol and Ativan, while at the hospital. Based on the data obtained, there were deceptive criteria detected on the polygraph examination. Dr. Hart concludes by stating that Respondent is suffering from a significant anxious depression, and it appears Respondent fell into a pattern of using prescribed narcotic analgesics to ease her emotional and physical pain and came to abuse them. Dr. Hart recommends that Respondent needs psychiatric treatment to address her significant anxiety and depression which is likely the cause for her secondary drug abuse, and possible dependence.

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 Twelve (12) was significantly influenced by Respondent's 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)(10),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(D)&(M), and 22 TEX. ADMIN. CODE §217.12(4),(5),(6)(G),(10)(C).

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 127007, heretofore issued to TINA GAYE SOWELL, including revocation of Respondent's license to practice vocational 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, 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 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.

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 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, 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 vocational nursing in the State of Texas.

BALANCE OF 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. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13th day of December, 2006.

Tina Gaye Sowell

TINA GAYE SOWELL, Respondent

Sworn to and subscribed before me this 13th day of December, 2006

SEAL

JOY CAMPBELL
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 05-09-2009

Joy Campbell

Notary Public in and for the State of _____

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 13th day of December, 20 06, by TINA GAYE SOWELL, Vocational Nurse License Number 127007, and said Order is final.

Entered and effective this 19th day of December, 20 06.

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