

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Vocational Nurse License Number 153456           §        AGREED  
issued to REBECCA DEANN GANT   §        ORDER



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 A. Thomas*  
Executive Director of the Board

An investigation by the Board of Nurse Examiners for the State of Texas, hereina referred to as the Board, produced evidence indicating that REBECCA DEANN GANT, hereina referred to as Respondent, Vocational Nurse License Number 153456, may have violated Section 301.452(b)(9)&(10), Texas Occupations Code.

An informal conference was held on October 24, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by James T. Womack, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Peggy Penn, MEd, RN, Nurse Consultant; Earl E. Stearns, Investigator; Kevin G. Freemyer, Investigator; and Mary Adams, RN, BSN, Nurse Investigator.

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 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 18, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on September 11, 1995.

5. Respondent's vocational nursing employment history includes:

10/95 - 01/00	LVN Charge Nurse	Highland Pines Nursing and Rehabilitation Center Longview, Texas
01/00 - 10/00	Not Employed in Nursing	
10/00 - 02/05	LVN	Highland Pines Nursing and Rehabilitation Center Longview, Texas
03/05 - 05/06	LVN	Crest Care Nursing Home Longview, Texas
08/05 - 06/06	LVN	Care Team Home Health Longview, Texas
06/06 - Present	Not Employed in Nursing	

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Highland Pines Nursing and Rehabilitation Center, Longview, Texas, and had been in this position for approximately four (4) years and four (4) months.
7. On or about February 28, 2005, while employed as a Licensed Vocational Nurse with Highland Pines Nursing and Rehabilitation Center, Longview, Texas, Respondent engaged in the intemperate use of Amphetamines and Methamphetamines, in that Respondent produced a specimen for a random drug screen which resulted positive for Amphetamines and Methamphetamines. Possession of Amphetamines and Methamphetamines is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Amphetamines and Methamphetamines 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.
8. On October 3, 2006, Respondent presented for a psychological evaluation with Rafael F. Otero, Ph.D., DAPM, RSOT, LMFT, LSSP, Texarkana, Texas, and as a result, Dr. Otero was able to offer the following Summary and Recommendations:

Ms. Gant's personality was characterized as somewhat impulsive, a risk-taker who may do things for the personal enjoyment. She is likely to be viewed as rebellious. Although her responses to the Manson and SASSI did not indicate an addictive profile, the MMPI-2 sub-

scale scores did. She scored relatively high on MAC-R and Addiction Potential Scale (APS), suggesting the possibility of a drug or alcohol abuse problem.

It is recommended that Ms. Gant be enrolled in the TPAPN program as a way to counteract these addictive tendencies and propensities. She would also benefit from individual therapy to gain a closer insight of personality traits that influence her decisions. She is probably in denial of these personality issues, especially at this time in her life when she is experiencing some stability. Involvement in the TPAPN would assist Ms. Gant to behave in accordance with the requirements of Rules 213.27 - 213.29 at 22 Texas Administrative Code, as well as the minimum standards set by the Board's Rules 217.11 at 22 Texas Administrative Code and generally accepted nursing standards. Also, Ms. Gant will be able to consistently avoid behaviors identified by the Board as constituting unprofessional conduct.

9. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Texas Occupations Code, Sections 301.401-301.419.
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.
11. Formal Charges were filed on June 12, 2006.
12. Formal Charges were mailed to Respondent on June 14, 2006.
13. Respondent presented the following in explanation and/or in mitigation: After having been arrested and charged with possession of a controlled substance and losing her long standing job, she made some life changes, and no longer associated with individuals involved in illicit drug use. She soon began working at Crest Care Nursing Home, Longview, Texas. She was required to take a drug screen before going to work at Crest Care, and the drug screen was clear. Later, she began working at Care Team Home Health, Longview, Texas, and shortly thereafter, she became pregnant. She continued to live a clean life and worked at Care Team until she discontinued working to have her baby. She has stayed at home and cared for her newborn daughter since that time.
14. Respondent's conduct described in Finding of Fact Number Seven (7) resulted from Respondent's 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-.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 Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(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 Vocational Nurse License Number 153456, heretofore issued to REBECCA DEANN GANT, 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 Vocational Nurse License Number 159323 previously issued to REBECCA DEANN GANT, to practice vocational nursing in Texas is hereby SUSPENDED and said suspension is enforced until Respondent complies with the requirements of Stipulation Number One (1) and Two (2) of this Order. Upon compliance with Stipulation Number One (1) and Two (2), Respondent's suspension will be Stayed and Respondent's license shall be probated until completion 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):

(1) RESPONDENT SHALL, 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, §§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, that the terms of this Agreed 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.

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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 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 1st day of December 2006.

Rebecca Gant  
REBECCA DEANN GANT, Respondent

Sworn to and subscribed before me this 1st day of December, 2006.

SEAL



Terrill B. Smith  
Notary Public in and for the State of Texas

Approved as to form and substance.

James T. Womack  
JAMES T. WOMACK, Attorney for Respondent

Signed this 1st day of December, 2006.

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 1st day of December, 2006, by REBECCA DEANN GANT, Vocational Nurse License Number 153456, and said Order is final.

Entered and effective this 11th day of December, 2006.



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