BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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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 200864	§	AGREED
issued to JERA SUE FOX	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referr to as the Board, considered the matter of JERA SUE FOX, Vocational Nurse License Number 200864, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 11, 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 is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Lamar University-Port Arthur, Port Arthur, Texas, on August 12, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on October 11, 2005.

5. Respondent's vocational nursing employment history includes:

10/05-9/06	LVN	Memorial Hermann Baptist Hospital Beaumont, Texas

Respondent's vocational nursing employment history continued:

10/06-Present Unknown

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Memorial Hermann Baptist Hospital, Beaumont, Texas, and had been in this position for approximately one (1) month.

7. On or about November 30, 2005, through December 27, 2005, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent withdrew Hydrocodone, Zolpidem Tartrate, Morphine Sulfate, and Meperidine 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 #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
11/30/05@1703	404609	(2) Hydrocodone/Norco APAP 5mg Tabs	(2) Norco 5/325mg tabs Q6hrs PRN	1600	1600	NO
11/30/05@2009	404609	(2) Hydrocodone/Norco APAP 5mg Tabs	(2) Norco 5/325mg tabs Q6hrs PRN	NO	NO	NO
11/30/05@2235	403301	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/2/05@2309	405778	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/10/05@1519	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	1515	1515 states flushed 1mg	NO
12/10/05@1647	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	1730	NO	NO
12/10/05@1758	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	NO	NO	NO
12/16/05@2013	408902	(1) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/16/05@2043	408902	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/24/05@1115	410665	(1) Meperidine 50mg/1mL Amp Demerol	Demerol 50mg/mL Q 4hrs PRN	NO	NO	NO
12/24/05@1908	410665	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/24/05@1909	411190	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/25/05@2216	412233	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/26/05@1816	411190	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	2200	NO

12/27/05@1805	412705	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/27/05@2107	412705	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	2200	NO	NO

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to provide further care.

8. On or about November 30, 2005, through December 27, 2005, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas Respondent withdrew Hydrocodone, Zolpidem Tartrate, Morphine Sulfate, and Meperidine from the medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medications. 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 November 30, 2005, through December 27, 2005, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas Respondent misappropriated Hydrocodone, Zolpidem Tartrate, Morphine Sulfate, and Meperidine 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.

10. On or about November 30, 2005, through December 27, 2005, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas Respondent withdrew and/or administered medications to patients in excess frequency and/or dosage of the physician's order as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
11/30/05@ 1703	404609	(2) Hydrocodone/Norco APAP 5mg Tabs	(2) Norco 5/325mg tabs Q6hrs PRN	1600	1600	NO
11/30/05@2009	404609	(2) Hydrocodone/Norco APAP 5mg Tabs	(2) Norco 5/325mg tabs Q6hrs PRN	NO	NO	NO
11/30/05@2132	403301	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	2200	2200	NO
11/30/05@2235	403301	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/2/05@2033	405778	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	2130	2130	NO
12/2/05@2309	405778	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/10/05@1519	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	1515	1515 states flushed 1mg	NO
12/10/05@1647	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	1730	NO	NO

12/10/05@1758	404599	(1) Morphine Sulfate 5mg/1 ml Inj	Morphine Sulfate 5mg/ml one dose=4mg=.8mL Q 1hr P	NO	NO	NO
12/16/05@2013	408902	(1) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/16/05@2043	408902	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/16/05@2053	408902	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	2130	2130	NO
12/24/05@1115	410665	(1) Meperidine 50mg/1mL Amp Demerol	Demerol 50mg/mL Q 4hrs PRN	NO	NO	NO
12/24/05@1129	410665	(1) Meperidine 50mg/1mL Amp Demerol	Demerol 50mg/mL Q 4hrs PRN	1130	1130	NO
12/25/05@2123	412233	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	2200	2200	NO
12/25/05@2216	412233	(2) Zolpidem Tartrate 5mg tab	Ambien 10mg tab bedtime PRN	NO	NO	NO
12/27/05@1805	412705	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	NO	NO	NO
12/27/05@2107	412705	(1) Zolpidem Tartrate 5mg tab	Ambien 5mg tab bedtime PRN	2200	NO	NO

Respondent's conduct was likely to injure the patients in that the administration of Hydrocodone, Zolpidem Tartrate, Morphine Sulfate, and Meperidine in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions.

11. On or about September 8, 2006, through September 10, 2006, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent withdrew Ambien from the medication dispensing system for patients, but failed to completely and accurately document the administration of the medication, in the patients' Medication Administration Records (MARs), Nurses Notes, or both as follows:

DATE/TIME	PATIENT	MEDICATION	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
9/8/06@19:18	489412	Ambien (2) 5mg tabs	Ambien 5mg PO Q HS PRN sleep	NO	NO	NO
9/8/06@19:19	489503	Ambien (2) 5mg tabs	Ambien 5mg PO Q HS PRN sleep	NO	NO	NO
9/8/06@21:29	488275	Ambien (3) 5mg tabs	Ambien 5mg PO Q HS PRN sleep	NO	NO	NO
9/9/06@18:55	488275	Ambien (3) 5mg tabs	Ambien 5mg PO Q HS PRN sleep	NO	NO	NO
9/10/06@11:31	488275	Ambien (3) 5mg tabs	Ambien 5mg PO Q HS PRN sleep	NO	NO	NO

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to provide further care.

12. On or about September 8, 2006, through September 10, 2006, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent withdrew Ambien from the medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medication. 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).

13. On or about September 8, 2006, through September 10, 2006, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent misappropriated Ambien 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.

14. In response to the preceding Findings of Fact, Respondent states that she has made some mistakes in the past which she now regrets. Respondent states that as a result of these mistakes, she was referred to a Licensed Professional Counselor for assessment. Per the counselor's advice, Respondent states that she attended substance abuse education classes, AL-ANON meetings, and participated in one-on-one professional counseling. Respondent states that she has completed all of that was required of her by her employer and feels as though she has changed.

15. 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.

16. 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(C)&(D)(iv) and 217.12(1)(A),(4),(6)(G),(8),(10)(C)&(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 200864, heretofore issued to JERA SUE FOX, 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):

RESPONDENT SHALL deliver the wallet-sized license issued to JERA SUE FOX, to the office of the Board of Nurse Examiners 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 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 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 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 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 6th day of November, 2007.

Jera Sue Fox

JERA SUE FOX, Respondent

Sworn to and subscribed before me this 6th day of November, 2007.

SEAL

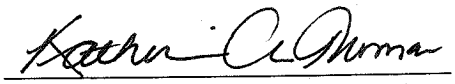
BRENDA LEGE'
Notary Public, State of Texas
My Commission Expires 07-25-2008

Brenda Lege'

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 accept and enter the Agreed Order that was signed on the 6th day of November, 2007, by JERA SUE FOX, Vocational Nurse License Number 200864, and said Order is final.

Entered and effective this 9th day of November, 2007.



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