

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 675110  
ISSUED TO  
MARCIA MARIE LOWERY

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BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE 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.  
*Patricia A. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Marcia Marie Lowery  
14007 SH 100 N  
Tyler, Texas 75704

During open meeting held in Austin, Texas, on December 11, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 675110, previously issued to MARCIA MARIE LOWERY, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 675110, previously issued to MARCIA MARIE LOWERY, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 11th day of December, 2007.

TEXAS BOARD OF NURSING

BY:   
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 675110  
Issued to MARCIA MARIE LOWERY  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of December, 2007, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Marcia Marie Lowery  
14007 SH 100 N  
Tyler, Texas 75704

BY: Katherine A. Thomas  
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent Registered  
Nurse License Number 675110, Issued to  
MARCIA MARIE LOWERY, Respondent

§  
§  
§

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

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARCIA MARIE LOWERY, is a Registered Nurse holding license number 675110, which is in delinquent 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 October 28, 2005, through October 31, 2005, while employed with East Texas Medical Center-Tyler, Tyler, Texas, Respondent withdrew Demerol, Morphine & Fentanyl 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
10/28/05 19:07	31867252	Meperidine/Demerol 100mg/1mL inj.	NO ORDER	NO	NO	NO
10/28/05 19:30	31921810	Morphine Sulfate 10mg/1mL Inj	Morphine Sulfate 4mg/mL syrg IV PRN Q 3hrs	NO	NO	NO
10/28/05 20:16	31921810	Morphine Sulfate 10mg/1mL Inj	Morphine Sulfate 4mg/mL syrg IV PRN Q 3hrs M	NO	NO	NO
10/28/05 20:37	31932270	Meperidine/Demerol 100 mg/1mL	Demerol IV PRN 50mg Q 3hrs	NO	NO	NO
10/28/05 21:28	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/28/05 21:54	31932270	Meperidine/Demerol 100 mg/1mL	Demerol PRN 50mg Q3hrs	NO	NO	NO
10/28/05 22:37	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/28/05 23:55	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 00:35	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
10/29/05 01:31	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 01:49	31921810	Fentanyl/Sublimaze 100mcg/2mL inj8	NO ORDER	NO	NO	NO
10/29/05 02:59	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 03:19	31921810	Morphine Sulfate 10mg/ 1mL	Morphine Sulfate 4mg/mL syrg IV PRN Q 2hrs	NO	NO	NO
10/29/05 03:52	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 05:14	31921810	Morphine Sulfate 10mg/ 1mL	Morphine 4mg IV PRN Q 3 hrs	NO	NO	NO
10/29/05 05:23	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 05:52	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 19:18	31952500	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 20:13	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 21:15	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg/mL syrg IV PRN Q 3hrs	NO	NO	NO
10/29/05 21:33	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 21:36	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 22:42	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 23:13	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 23:35	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg/mL syrg IV PRN Q 3hrs	NO	NO	NO
10/30/05 00:24	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 01:06	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 02:07	31921810	Morphine Sulfate 10mg/1mL	Morphine Sulfate PRN 4mg/mL syrg IV Q 3 hrs	NO	NO	NO

Date/Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
10/30/05 02:10	31952500	Morphine Sulfate 10mg/1mL	Morphine 4mg IV PRN Q 2 hrs	NO	NO	NO
10/30/05 02:17	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/30/05 02:27	31952500	Morphine Sulfate 10mg/1mL	Morphine 4mg IV PRN Q 2 hrs	03:45 Y	NO	NO
10/30/05 04:18	31952500	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 05:00	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 06:09	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 06:13	31952500	Morphine Sulfate 10mg/1mL	Morphine 4mg IV PRN Q 2 hrs	NO	NO	NO
10/30/05 19:12	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 19:54	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 20:51	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg IV PRN Q 3hrs	NO	NO	NO
10/30/05 21:04	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 21:58	31952187	Morphine Sulfate 10mg/1mL	Morphine 4mg IV Q 3 hrs PRN	NO	NO	NO
10/30/05 22:07	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/30/05 23:02	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/31/05 00:29	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/31/05 02:23	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/31/05 03:38	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg IV Q 3 hrs PRN	NO	NO	NO
10/31/05 04:48	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg IV Q 3hrs PRN	NO	NO	NO
10/31/05 05:09	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO

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),(C)&(D)(iv), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(4).

### CHARGE II.

On or about October 28, 2005, through October 31, 2005, while employed with East Texas Medical Center-Tyler, Tyler, Texas, Respondent withdrew Demerol, Morphine & Fentanyl from the medication dispensing system for patients, but failed to follow the policy and procedures for the wastage of unused portions of the medications as follows:

Date/Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
10/28/05 19:07	31867252	Meperidine/Demerol 100mg/1mL inj.	NO ORDER	NO	NO	NO
10/28/05 19:30	31921810	Morphine Sulfate 10mg/1mL Inj	Morphine Sulfate 4mg/mL syrg IV PRN Q 3hrs	NO	NO	NO
10/28/05 20:16	31921810	Morphine Sulfate 10mg/1mL Inj	Morphine Sulfate 4mg/mL syrg IV PRN Q 3hrs M	NO	NO	NO
10/28/05 20:37	31932270	Meperidine/Demerol 100 mg/1mL	Demerol IV PRN 50mg Q 3hrs	NO	NO	NO
10/28/05 21:28	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/28/05 21:54	31932270	Meperidine/Demerol 100 mg/1mL	Demerol PRN 50mg Q3hrs	NO	NO	NO
10/28/05 22:37	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/28/05 23:55	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 00:35	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 01:31	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 01:49	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 02:59	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 03:19	31921810	Morphine Sulfate 10mg/ 1mL	Morphine Sulfate 4mg/mL syrg IV PRN Q 2hrs	NO	NO	NO

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
10/29/05 03:52	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 05:14	31921810	Morphine Sulfate 10mg/ 1mL	Morphine 4mg IV PRN Q 3 hrs	NO	NO	NO
10/29/05 05:23	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 05:52	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 19:18	31952500	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 20:13	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 21:15	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg/mL syrg IV PRN Q 3hrs	NO	NO	NO
10/29/05 21:33	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 21:36	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 22:42	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 23:13	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 23:35	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg/mL syrg IV PRN Q 3hrs	NO	NO	NO
10/30/05 00:24	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 01:06	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 02:07	31921810	Morphine Sulfate 10mg/1mL	Morphine Sulfate PRN 4mg/mL syrg IV Q 3 hrs	NO	NO	NO
10/30/05 02:10	31952500	Morphine Sulfate 10mg/1mL	Morphine 4mg IV PRN Q 2 hrs	NO	NO	NO
10/30/05 02:17	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/30/05 02:27	31952500	Morphine Sulfate 10mg/1mL	Morphine 4mg IV PRN Q 2 hrs	03:45 Y	NO	NO
10/30/05 04:18	31952500	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO

Date/Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
10/30/05 05:00	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 06:09	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 06:13	31952500	Morphine Sulfate 10mg/1mL	Morphine 4mg IV PRN Q 2 hrs	NO	NO	NO
10/30/05 19:12	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 19:54	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 20:51	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg IV PRN Q 3hrs	NO	NO	NO
10/30/05 21:04	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 21:58	31952187	Morphine Sulfate 10mg/1mL	Morphine 4mg IV Q 3 hrs PRN	NO	NO	NO
10/30/05 22:07	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/30/05 23:02	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/31/05 00:29	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/31/05 02:23	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/31/05 03:38	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg IV Q 3 hrs PRN	NO	NO	NO
10/31/05 04:48	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg IV Q 3hrs PRN	NO	NO	NO
10/31/05 05:09	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO

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 22 TEX. ADMIN. CODE §217.11(1)(A)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(B),(10)(C)&(11)(B).

### CHARGE III.

On or about October 28, 2005, through October 31, 2005, while employed with East Texas Medical Center-Tyler, Tyler, Texas, Respondent withdrew and/or administered Morphine for 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
10/28/05 19:30	31921810	Morphine Sulfate 10mg/1mL Inj	Morphine Sulfate 4mg/mL syrg IV PRN Q 3hrs	NO	NO	NO
10/28/05 20:16	31921810	Morphine Sulfate 10mg/1mL Inj	Morphine Sulfate 4mg/mL syrg IV PRN Q 3hrs M	NO	NO	NO
10/28/05 20:37	31932270	Meperidine/Demerol 100 mg/1mL	Demerol IV PRN 50mg Q 3hrs	NO	NO	NO
10/28/05 21:54	31932270	Meperidine/Demerol 100 mg/1mL	Demerol PRN 50mg Q 3hrs	NO	NO	NO
10/29/05 21:15	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg/mL syrg IV PRN Q 3hrs	NO	NO	NO
10/29/05 23:35	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg/mL syrg IV PRN Q 3hrs	NO	NO	NO
10/30/05 02:10	31952500	Morphine Sulfate 10mg/1mL	Morphine 4mg IV PRN Q 2 hrs	NO	NO	NO
10/30/05 02:27	31952500	Morphine Sulfate 10mg/1mLA	Morphine 4mg IV PRN Q 2 hrs	03:45 Y	NO	NO
10/31/05 03:38	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg IV Q 3 hrs PRN	NO	NO	NO
10/31/05 04:48	31921810	Morphine Sulfate 10mg/1mL	Morphine 4mg IV Q 3hrs PRN	NO	NO	NO

Respondent's conduct was likely to injure the patient in that the administration of Demerol and Morphine in excess frequency and/or dosage of the 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)&(C), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).

### CHARGE IV.

On or about October 28, 2005, through October 31, 2005, while employed with East Texas Medical Center-Tyler, Tyler, Texas, Respondent withdrew Demerol and Fentanyl for patients without a valid physician's order as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
10/28/05 19:07	31867252	Meperidine/Demerol 100mg/1mL inj.	NO ORDER	NO	NO	NO
10/28/05 21:28	31921810	Fentanyl/ Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/28/05 22:37	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/28/05 23:55	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 00:35	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 01:31	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 01:49	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 02:59	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 03:52	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 05:23	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 05:52	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 19:18	31952500	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 20:13	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 21:33	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/29/05 21:36	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 22:42	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/29/05 23:13	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/30/05 00:24	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 01:06	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO

Date/Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
10/30/05 02:17	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/30/05 04:18	31952500	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 05:00	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 06:09	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 19:12	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 19:54	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 21:04	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/30/05 22:07	31921810	Fentanyl/Sublimaze 100mcg/2mL inj	NO ORDER	NO	NO	NO
10/30/05 23:02	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/31/05 00:29	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/31/05 02:23	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO
10/31/05 05:09	31921810	Meperidine/Demerol 100 mg/1mL	NO ORDER	NO	NO	NO

Respondent's conduct was likely to injure the patients in that the administration of Demerol and Fentanyl 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) & (C) and §217.12(1)(A)&(4).

#### CHARGE V.

On or about November 1, 2005, while employed with East Texas Medical Center-Tyler, Tyler, Texas, Respondent engaged in the intemperate use of Opiates as evidenced by a positive drug screen. Possession of Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates 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.

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

#### CHARGE VI.

On or about October 28, 2005, through October 31, 2005, while employed with East Texas Medical Center-Tyler, Tyler, Texas, Respondent admitted that she misappropriated Demerol, Morphine & Fentanyl belonging to the facility and patients thereof. 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)&(11)(B).

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NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to 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 § 301.461, TEX. OCC. CODE ANN. 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.bne.state.tx.us](http://www.bne.state.tx.us).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies Nurses with Chemical Dependency which can be found at the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us).

Filed this 11<sup>th</sup> day of October, 2007.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS



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