

Respondent's vocational nursing employment history (continued):

03/99 - 10/02	LVN	Marshall Regional Medical Center Marshall, Texas
12/02 - 02/07	LVN	Care Team Home Health Services Longview, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Care Team Home Health Services, Longview, Texas, and had been in this position for approximately four (4) years and one (1) month.
7. On or about January 29, 2007, while employed as a Licensed Vocational Nurse with Care Team Home Health Services, Longview, Texas, and assigned to provide nursing care/nursing services to Patient Medical Record Number 518344412, Respondent misappropriated medication belonging to the patient, and ingested the medication. Respondent's conduct was likely to defraud the patient of the cost of the medication.
8. In response to Finding of Fact Number Seven (7), Respondent states: I was taking care of my patient at home. I had been sick with a terrible cold. The patient's mother gave me permission to take some OTC Dimetapp belonging to the patient. I used extremely poor judgment and took one (1) teaspoon of the Dimetapp, in the presence of my co-worker, who was standing near me. My employer terminated my employment and asked me to take a hair follicle drug screen. I chose not to take the drug screen, because I had taken Vicodin in early January 2007 that had not been prescribed to me, but to my sister.

The day I was fired, I self-referred to the TPAPN. I had been a participant in the TPAPN from 2002 - 2004, due to an opiate addiction, and I successfully completed the program. I also entered an outpatient program at the Woodbine Drug Treatment Center in Longview, Texas.
9. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
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. Respondent's conduct described in Finding of Fact Number Seven (7) was significantly influenced by Respondent's dependency on chemicals.
12. 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)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G),(10)(A)&(E)&(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 168631, heretofore issued to CATHERINE MARIE PRESTON, 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 CATHERINE MARIE PRESTON, 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 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 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.

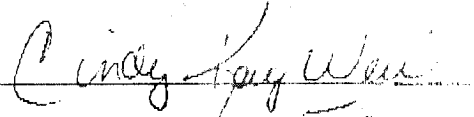
Signed this 8 day of October, 2007


 CATHERINE MARIE PRESTON, Respondent

Sworn to and subscribed before me this 8 day of October, 2007.


SEAL




 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 8th day of October, 2007, by CATHERINE MARIE PRESTON, Vocational Nurse License Number 168631, and said Order is final.

Entered and effective this 10th day of October, 2007.


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