



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 P. Thomas*  
Executive Director of the Board

**BEFORE THE TEXAS BOARD OF NURSING**

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In the Matter of Vocational Nurse License Number 198181 §     **AGREED**  
issued to CATHERINE SCOTT VITALE                             §     **ORDER**

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 198181, issued to CATHERINE SCOTT VITALE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 holds a license to practice vocational nursing in the State of Texas which is in Delinquent status.
4. Respondent received a Certificate in Vocational Nursing from St. Joseph's Hospital, Nashua, New Hampshire, on March 22, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on April 19, 2005.
5. Respondent's vocational nursing employment history includes:

03/05 - 06/05	Staff Nurse	Sierra Medical Center El Paso, Texas
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**Respondent's vocational nursing employment history (continued):**

<b>06/05 - 11/05</b>	<b>Agency Nurse</b>	<b>InteliStaf Healthcare, Inc. El Paso, Texas</b>
<b>11/05 - Present</b>	<b>Unknown</b>	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Sierra Medical Center, El Paso, Texas, and had been in this position for approximately two (2) months.
7. On or about May 1, 2005 through May 27, 2005, while employed at Sierra Medical Center, El Paso, Texas, Respondent withdrew twenty-one hundred (2100) milligrams of Meperidine and forty-eight (48) milligrams of Morphine 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), Nurse's Notes, or both, and failed to document the wastage of medications in narcotic administration records. Respondent's conduct was likely to injure the patients in that subsequent caregivers would rely on her documentation to further medicate the patients, which could result in an overdose. Additionally, 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).
8. On or about May 1, 2005 through May 27, 2005, while employed at Sierra Medical Center, El Paso, Texas, Respondent withdrew and/or administered Meperidine and Morphine from the medication dispensing system for patients in excess frequency and/or dosage of the physicians' orders. Respondent's conduct was likely to injure the patients in that the administration of Meperidine and Morphine in excess frequency and/or dosage of a physician's order could result in the patients suffering from adverse reactions.
9. On or about November 9, 2005 through November 18, 2005, while employed with InteliStaf Healthcare, Inc., El Paso, Texas, Respondent withdrew sixteen hundred twenty-five (1625) milligrams of Meperidine from the medication dispensing system (Accudose) for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs), Nurse's Notes, or both, and failed to document the wastage of medications in narcotic administration records. Respondent's conduct was likely to injure the patients in that subsequent caregivers would rely on her documentation to further medicate the patients, which could result in an overdose. Additionally, 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).

10. On or about November 9, 2005 through November 18, 2005, while employed with IntelliStaf Healthcare, Inc., El Paso, Texas, Respondent withdrew Meperidine from the medication dispensing system (Accudose) for patients in excess frequency and/or dosage of the physicians' orders. Respondent's conduct was likely to injure the patients in that the administration of Meperidine in excess frequency and/or dosage of a physician's order could result in the patients suffering from adverse reactions.
11. Formal Charges were filed on September 18, 2006.
12. Formal Charges were mailed to Respondent on September 20, 2006.
13. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.
14. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
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.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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)(10)&(13), Texas Occupations Code; 22 TEX. ADMIN. CODE §217.11(1)(A),(C)&(D); and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(10)(B)&(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 198181, heretofore issued to CATHERINE SCOTT VITALE, including revocation of Respondent's license to practice vocational nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

**ORDER**

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 198181, heretofore issued to CATHERINE SCOTT VITALE, to practice vocational nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to CATHERINE SCOTT VITALE, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice vocational nursing in the State of Texas.

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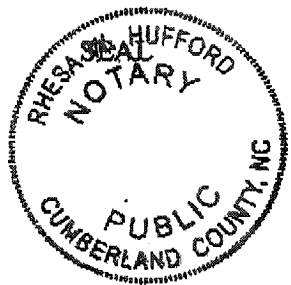
**RESPONDENT'S CERTIFICATION**

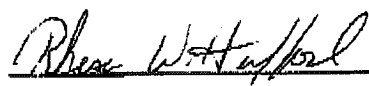
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 19 day of Sept, 2007.

  
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CATHERINE SCOTT VITALE, Respondent

Sworn to and subscribed before me this 19 day of Sept, 2007.



  
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Notary Public in and for the State of NC  
Commission Expires: Sept 09, 2012

Approved as to form and substance.

  
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TARALYNN R. MACKAY, Attorney for Respondent

Signed this 13<sup>th</sup> day of September, 2007

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 198181, previously issued to CATHERINE SCOTT VITALE.

Effective this 24th day of September, 2007.



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