



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse § AGREED
License Number 581753 §
issued to ALMA CAMPOS RICE § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of ALMA CAMPOS RICE, Registered Nurse License Number 581753, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10), (12) & (13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on July 16, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas became invalid on April 17, 2006.
4. Respondent received a Baccalaureate Degree in Nursing from Angelo State University, San Angelo, Texas, on May 15, 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.
5. Respondent's professional nursing employment history includes:

September 1992 - January 1995	RN Shannon Medical Center San Angelo, Texas
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Respondent's professional nursing employment history continued:

February 1995 - May 1995	Unknown
June 1995 - January 2005	RN Midland Memorial Hospital Midland, Texas
January 2005 - May 2005	RN Trinity Medical Center Carrollton, Texas
June 2005 - Present	Unknown

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Trinity Medical Center, Carrollton, Texas, and had been in this position for two (2) months.
7. On or about November 27, 2001, Respondent plead No Contest to the offense "Theft of Property \geq \$50 < \$500," a Class B Misdemeanor, in the Midland County Court at Law, Midland, Texas, Cause Number CR90515. An adjudication of guilt was deferred, and Respondent was placed on probation for a period of six (6) months. Respondent was assessed a fine and court costs in the total amount of four hundred sixty-five dollars (\$465.00).
8. On or About December 27, 2004, Respondent submitted an employment application to Trinity Medical Center, Carrollton, Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"Have you ever been convicted of, been given probation or deferred adjudication in lieu of sentencing, or pled no contest, for any offense other than a minor traffic violation?"

On or about November 27, 2001, Respondent plead No Contest to the offense "Theft of Property \geq \$50 < \$500," a Class B Misdemeanor, in the Midland County Court at Law, Midland, Texas, Cause Number CR90515.
9. On or about March 24, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent removed Ativan 2mg from the Omnicell medication dispensing system for Patient Medical Record Number 177130 without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Ativan without a physician's order could result in the patient suffering from adverse reactions.

10. On or about March 24, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent removed Ativan 2mg from the Omnicell medication dispensing system for Patient Medical Record Number 177130 but failed to accurately document the administration in the patient's medical record. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
11. On or about March 24, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent removed Ativan 2mg from the Omnicell medication dispensing system for Patient Medical Record Number 177130 but failed to follow policy and procedure in place for the wastage of 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).
12. On or about March 24, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent misappropriated Ativan belonging to the facility and its patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
13. On or about April 15, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent removed Versed 5mg and Fentanyl 5ml from the Omnicell medication dispensing system for Patient Medical Record Number 217661 without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Versed and Fentanyl without a physician's order could result in the patient suffering from adverse reactions.
14. On or about April 15, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent removed Versed 5mg and Fentanyl 5ml from the Omnicell medication dispensing system for Patient Medical Record Number 217661 but failed to accurately document the administration in the patient's medical records. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
15. On or about April 15, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent administered Versed 5mg to Patient Medical Record Number 217661 without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Versed without a physician's order could result in the patient suffering from adverse reactions.
16. On or about April 15, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent removed Versed 5mg and Fentanyl 5ml from the Omnicell medication dispensing system for Patient Medical Record Number 217661 but failed to follow the policy and procedure in place for the wastage of 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).

17. On or about April 15, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent misappropriated Versed and Fentanyl belonging to the facility and its patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
18. On or about April 28, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent withdrew Morphine 4mg from the Omnicell medication dispensing system for Patient Medical Record Number 210840 which was in excess of physician's order. The physician's order was for Morphine 2mg. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.
19. On or about April 28, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent changed a physician's one time order for Morphine 2mg, without authorization, for Patient Medical Record Number 210840. Respondent's change indicated an increased frequency of Morphine 2mg over what was actually ordered by the physician. Respondent's conduct was likely to injure the patient in that the administration of Morphine in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
20. On or about May 2, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent removed Ativan 2mg from the Omnicell medication dispensing system for Patient Medical Record Number 143664 without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Ativan without a physician's order could result in the patient suffering from adverse reactions.
21. On or about May 2, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent removed Ativan 2mg from the Omnicell medication dispensing system for Patient Medical Record Number 143664 but failed to accurately document the administration of the medication in the patient's medical records. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
22. On or about May 2, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent removed Ativan 2mg from the Omnicell medication dispensing system for Patient Medical Record Number 143664 but failed to follow the policy and procedure in place for the wastage. 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).

23. On or about May 2, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent misappropriated Ativan belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
24. On or about May 3, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent lacked fitness to practice professional nursing in that she was observed to be unfocused and tired. Respondent was also overheard saying she had not been getting enough sleep. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
25. On or about May 3, 2005, while employed with Trinity Medical Center, Carrollton, Texas, Respondent engaged in the intemperate use of Morphine, Demerol and Fentanyl in that she produced a specimen for a drug screen which resulted positive for Morphine, Demerol and Fentanyl. Possession of Morphine, Demerol and Fentanyl is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Morphine, Demerol and Fentanyl 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 potential danger.
26. On December 14, 2006, Respondent submitted to a forensic psychological evaluation with a chemical dependency component conducted by Rafael F. Otero, Ph.D. Dr. Otero's conclusion and recommendation are as follows:

"Results from the present psychological indicate that it is still doubtful that (Respondent) will be able to consistently behave in accordance with the requirements of Rules 213.27-213.29 at 22 Administrative Code, as well as the minimum standards set by the Board's Rules 217.11 at 22 TAC and generally accepted nursing standards. Given these results it is NOT entirely clear that (Respondent) will be able to consistently avoid behaviors identified by the Board as constituting unprofessional conduct. It is recommended that this individual be asked to enter into therapy. A second psychological evaluation will then be required. Random drug testing should also be added to the therapy."
27. 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.
28. Formal Charges were filed on August 23, 2006.
29. Formal Charges were mailed to Respondent on August 28, 2006.

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)(9), (10), (12) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §§217.11(1)(C)(D)(effective September 28, 2004), and 217.12(1)(effective to September 28, 2004) and 217.12(1)(A)(B), (4), (5), (6)(G)(H)(I), (8), (10)(A)(B)(C)(D) & (11)(B)(effective September 28, 2004).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 581753, heretofore issued to ALMA CAMPOS RICE, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 581753, previously issued to ALMA CAMPOS RICE, to practice professional nursing in Texas is hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the 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.

(1) 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to ALMA CAMPOS RICE, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following*

Board website address: <http://www.bne.state.tx.us/about/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bne.state.tx.us/about/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-

FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be

employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period,

random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(11) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in

therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the probation period, or until RESPONDENT is dismissed from therapy.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional 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. 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29 day of Aug, 2007.

Alma Campos Rice
ALMA CAMPOS RICE, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

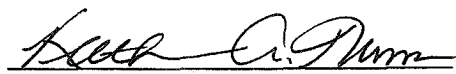
Approved as to form and substance.

Joe Gilbreath
JOE GILBREATH, Attorney for Respondent

Signed this 12th day of September, 2007.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 29th day of August, 2007, by ALMA CAMPOS RICE, Registered Nurse License Number 581753, and said Order is final.

Effective this 18th day of October, 2007.



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