

7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Providian Home Health, Houston, Texas, and had been in this position for approximately six (6) and one-half (1/2) months.
8. On or about March 5, 2007, while employed as a Licensed Vocational Nurse with Providian Home Health, Houston, Texas, Respondent engaged in the intemperate use of alcohol, in that Respondent produced a specimen for EtG testing which resulted positive for Ethyl Glucuronide. Furthermore, when Respondent was confronted with the test results, she admitted to drinking alcohol. The use of Alcohol by a Licensed Vocational 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.
9. On or about March 5, 2007, Respondent failed to comply with an Agreed Order issued to her by the Board of Nurse Examiners for the State of Texas, on July 20, 2006. Respondent's non-compliance was the result of her failure to comply with Stipulation Number Three (3) of the Order, which reads, in pertinent part:

(3) "RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term."

On or about March 5, 2007, Respondent produced a specimen for EtG testing which resulted positive for alcohol.

10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.
11. 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.
12. 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)(1),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(9),(10)(A)&(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 183682, heretofore issued to LIZA KAUFMAN GUZMAN, including revocation of Respondent's vocational license to practice 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 183682, heretofore issued to LIZA KAUFMAN GUZMAN, to practice nursing in the State of Texas, is accepted by the Board of Nurse Examiners.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to LIZA KAUFMAN GUZMAN, to the office of the Board of Nurse Examiners.
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 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 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.

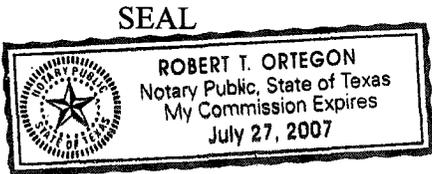
Signed this 26 day of July, 2007.

Liza Kaufman Guzman
LIZA KAUFMAN GUZMAN, Respondent

Sworn to and subscribed before me this 26 day of July, 2007.

Robert T. Oregon

Notary Public in and for the State of TEXAS
HARRIS COUNTY



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of Vocational Nurse License Number 183682, previously issued to LIZA KAUFMAN GUZMAN.

Effective this 31st day of July, 2007.



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