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Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Nurse License Number 110586 § AGREED
issued to LINDA K. REGISTER § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter refer to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 1105 issued to LINDA K. REGISTER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, 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 representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from St. Joseph Hospital School of Nursing, Fort Worth, Texas, on December 31, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on June 2, 1985.
5. Respondent's vocational nurse employment history includes:

6/85 - 1986	Unknown	
1987 - 1990	Staff LVN	Peach Tree Nursing Home Weatherford, Texas

Respondent's vocational nursing employment history continued:

12/90 - 5/99	Staff LVN	Campbell Health System Weatherford, Texas
5/99 - 11/04	Staff LVN	Holland Lake Nursing Center Weatherford, Texas
3/04 - 7/05	Staff LVN	Veranda Place Weatherford, Texas
8/05 - present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Holland Lake Nursing Center, Weatherford, Texas, and had been in this position for five (5) years and six (6) months.
7. On or about November 15, 2004, while employed with Holland Lake Nursing Center, Weatherford, Texas, Respondent engaged in the intemperate use of Morphine in that she produced a specimen which resulted positive for Morphine. Possession of Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine 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.
8. On or about November 15, 2004, while employed with Holland Lake Nursing Center, Weatherford, Texas, Respondent misappropriated Morphine from the facility and the patients thereof. Respondent's conduct defrauded the facility and the patients thereof of the cost of the medication.
9. At the time of the initial incident in Finding of Fact Number Ten (10), Respondent was employed with Veranda Place, Weatherford, Texas and had been in this position for one (1) year.
10. On or about March 21, 2005, while employed at Veranda Place, Weatherford, Texas, Respondent engaged in the intemperate use of Propoxyphene in that she produced a specimen which resulted positive for Propoxyphene. Possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene 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.

11. On or about June 24, 2005, while employed at Veranda Place, Weatherford, Texas, Respondent engaged in the intemperate use of Propoxyphene in that she produced a specimen which resulted positive for Propoxyphene. Possession of Tramadol is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drug Act). The use of Tramadol 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.
12. Charges were filed on April 3, 2007.
13. Charges were mailed to Respondent on April 6, 2007.
14. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.
15. 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.
16. 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)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G), (10)(A)&(D) and (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 110586, heretofore issued to LINDA K. REGISTER, 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 110586, heretofore issued to LINDA K. REGISTER, to practice vocational 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 LINDA K. REGISTER, 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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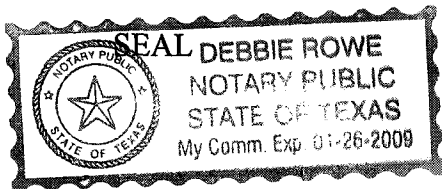
RESPONDENT'S CERTIFICATION


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 11 day of April, 2007.


LINDA K. REGISTER, Respondent

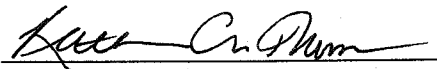
Sworn to and subscribed before me this 11 day of May, 2007.




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 the voluntary surrender of Vocational Nurse License Number 110586, previously issued to LINDA K. REGISTER.

Effective this 2 day of July, 2007.



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