

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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. Poffinbarger
Executive Director of the Board

In the Matter of Permanent Certificate
Number 501324 issued to
GAY L. POFFINBARGER

ORDER OF THE BOARD

TO: Gay L. Poffinbarger
3222 69th St. #106
Galveston, Texas 77551

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting held on the 25th day of June, 1985, considered the conduct of GAY L. POFFINBARGER, Permanent Certificate Number 501324.

At the meeting, Dr. Jean Pryor, R.N., President of the Board, presided and the following members were present:

Mrs. Pauline Barnes, R.N.	Mrs. Mary Elizabeth Jackson
Mrs. Karen G. Barnes-Cure, R.N.	Mrs. Mary Virginia Jacobs, R.N.
Mrs. Marlene Hudgins, R.N.	Dr. Ruby Morris

Following receipt of information, GAY L. POFFINBARGER agreed to a Consent to Board Order from the Board of Nurse Examiners. Respondent was not present at the Board of Nurse Examiners scheduled Hearing but did appear at a Hearing before the Hearing Officer. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. GAY L. POFFINBARGER, hereinafter referred to as "Respondent", is currently licensed to practice professional nursing in the State of Texas.
2. Respondent, while employed with The University of Texas Medical Branch, Galveston, Texas, appropriated Demerol 50 mgs., without authorization, belonging to the aforementioned facility and/or to the patients thereof, on or about September 22, 1984.

3. Respondent did not deprive patients of their medications.
4. Respondent entered the inpatient therapy program at The University of Texas Medical Branch, Galveston, Texas, on October 15, 1984, and completed said program on November 16, 1984.
5. Respondent continues her employment with The University of Texas Medical Branch, Galveston, Texas.
6. Respondent attends Group Aftercare and Narcotics Anonymous on a weekly basis.
7. Respondent has produced nine (9) negative screens for controlled substances, to date.
8. Respondent desires to continue her career in professional nursing.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter.
2. Based upon the evidence received, Respondent is in violation of applicable Texas law, the aforementioned action and conduct, in the opinion of the Board, constitutes unprofessional conduct.

ORDER

In View Of The Findings Of Fact, it is hereby ordered that GAY L. POFFINBARGER, license number 501324, be issued a reprimand.

IT IS FURTHER ORDERED that license number 501324, be subject to the following stipulations:

(1) Respondent shall notify each potential employer in professional nursing of this Order of the Board and the stipulations on his/her license as stated herein by presenting a copy of said order to each potential employer. If employment is obtained, the employer must notify the Office of the Board of Nurse Examiners in writing that they are aware of the specific stipulations placed on said license.

(2) That during her employment as a professional nurse, each employer of GAY L. POFFINBARGER submit on forms provided by the Board of Nurse Examiners, periodic reports as to her capability to practice professional nursing, such reports due at the office of the Board of Nurse Examiners at the end of each three months of employment for a minimum of eighteen (18) months from the date of employment.

(3) That, if the place of employment changes, the Board of Nurse Examiners is to be notified immediately.

(4) Respondent may not be employed by a Nurse Registry/temporary nurse employment agency.

(5) That written reports as to her progress in therapy, rehabilitation and capability to practice professional nursing be submitted to the Board of Nurse Examiners, on forms provided by the Board, from her professional counselor, such reports to be furnished each and every three months for a minimum of eighteen (18) months, or until dismissed from therapy.

(6) Respondent shall submit to random periodic screens for controlled substances at least once every three (3) months, for a minimum period of eighteen (18) months, properly monitored and administered by Respondent's employer or counselor and personally observed by said individual or a trusted member of his/her staff. Respondent shall cause written reports from said employer or counselor to be sent to the Board of Nurse Examiners on a quarterly basis after the commencement of Respondent's probation, concerning the results of said random periodic screens, except that if any sample tests positive for narcotic, controlled substance or habit forming substance which Respondent has used without a prescription from her physician, they shall report such findings to the Board of Nurse Examiners immediately. Expenses encumbered by said screens shall be borne by Respondent.

(7) The probation period can be served only while respondent is employed in a capacity for which her nursing license is required and subject to board approval.

(8) The Board of Nurse Examiners for the State of Texas shall review and evaluate the practice of professional nursing by Respondent at the end of the probation period. It is hereby understood that after said evaluation, the Board of Nurse Examiners may restore all rights and privileges incident to the license of Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

(9) That, GAY L. POFFINBARGER shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

The Board admonishes the Respondent that the prime objective of the nursing profession is to render service to humanity and, whoever chooses this profession, assumes the obligation to conduct themselves in accordance with nursing standards as well as the obligation to the laws of the State of Texas.

IT IS FURTHER ORDERED AND THE BOARD SO FINDS, in accordance with Article 6252-13a, 16(c), Revised Civil Statutes of Texas, that an imminent peril to the public health, safety, or welfare requires immediate effect to this Order and the same shall be effective on the date herein below rendered.

Entered this the 25th day of June, 1985.

Certificate to Order of Board
In the matter of Permanent
Certificate No. 501324
Issued to GAY L. POFFINBARGER

The aforementioned Findings of Fact, Conclusions of Law and Order of the Board represent a final decision or Order duly made by the Board of Nurse Examiners in and for the State of Texas this the 25th day of June, 1985.

Jean Pryor, R.N. Ruby Merritt
President

Marilyn Hudgens, R.N. V.G. Brown-Cox, R.N.

Pauline Barnes, R.N. Mary Virginia Jacobs, R.N.

Mary Elizabeth
Dickson