

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 698639
ISSUED TO
THERESA KATHLEEN BUNTYN

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



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

ORDER OF THE BOARD

TO: Theresa Kathleen Buntyn
9269 Fathom Drive
Montgomery, Texas 77356

During open meeting held in Austin, Texas, on May 13, 2008, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 698639, previously issued to Theresa Kathleen Buntyn, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 698639, previously issued to Theresa Kathleen Buntyn, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 13th day of May, 2008.

TEXAS BOARD OF NURSING

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 698639
Issued to Theresa Kathleen Buntyn
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of May, 2008, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Theresa Kathleen Buntyn
9269 Fathom Drive
Montgomery, Texas 77356

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, THERESA KATHLEEN BUNTYN, is a Registered Nurse holding license number 698639, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about February 17, 2007, while employed in the Labor and Delivery Unit with The Woman's Hospital of Texas, Houston, Texas, Respondent withdrew Meperidine, from the medication dispensing system (Acudose) for patients without a valid physician's order, as follows:

Date/Time	Patient Account No.	Medication Dispensing System (Acudose)	Physician's Order	Medication Administration Record	Nurses Notes	Waste
2/17/07 @ 13:42	F490673	(1) Meperidine HCL syringe 50mg/ml	No Order	None Note: Pt. Not admitted until 2/20/2007	None	None
2/17/07 @ 14:58	F490838	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1458 no initials	None- Note: Patient delivered at 1619	None
2/17/07 @ 16:11	F490838	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1611 no initials	None- Note: Patient delivered at 1619	None
2/17/07 @0855	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	0855 no initials	None - Note: Patient delivered at 1904	None
2/17/07 @ 1005	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order- Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1005 no initials	Demerol 50mg - Note: Patient delivered at 1904	None
2/17/07 @ 1216	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order- Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1216 no initials	None - Note: Patient delivered at 1904	None
2/17/07 @1810	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1810 no initials	None - Note: Patient delivered at 1904	None
2/17/07 @ 1917	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1917 no initials	None - Note: Patient in recovery	None
2/17/07 @ 1931	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1924 no initials	None - Note: Patient in recovery	None

Respondent's conduct was likely to injure the patients in that the administration of Meperidine to a patient in active labor without a valid physician's order could result in adverse effects on the patient and the infant.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11 (1)(A)&(C) and §217.12(4).

CHARGE II.

On or about February 17, 2007, while employed in the Labor and Delivery Unit with The Woman's Hospital of Texas, Houston, Texas, Respondent withdrew Meperidine from the medication dispensing system (Acudose) for patients, but failed to completely and accurately document the administration of the medication in the patients' Medication Administration Records (MARs), Nurses Notes, or both, as follows:

Date/Time	Patient Account No.	Medication Dispensing System (Acudose)	Physician's Order	Medication Administration Record	Nurses Notes	Waste
2/17/07 @ 13:42	F490673	(1) Meperidine HCL syringe 50mg/ml	No Order	None Note: Pt. Not admitted until 2/20/2007	None	None
2/17/07 @ 14:58	F490838	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1458 no initials	None - Note: Patient delivered at 1619	None
2/17/07 @ 16:11	F490838	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1611 no initials	None - Note: Patient delivered at 1619	None
2/17/07 @0855	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	0855 no initials	None - Note: Patient delivered at 1904	None
2/17/07 @ 1005	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order- Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1005 no initials	Demerol 50mg Note: Patient delivered at 1904	None
2/17/07 @ 1216	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order- Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1216 no initials	None - Note: Patient delivered at 1904	None
2/17/07 @1810	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1810 no initials	None - Note: Patient delivered at 1904	None
2/17/07 @ 1917	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1917 no initials	None - Patient in Recovery	None
2/17/07 @ 1931	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1924 no initials	None - Note: Patient in recovery	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B)(D) and §217.12(1)(A)&(C),(4) &(11)(B).

CHARGE III.

On or about February 17, 2007, while employed with Labor and Delivery Unit with The Woman's Hospital of Texas, Houston, Texas, Respondent withdrew Meperidine from the medication dispensing system (Acudose) for patients, but failed to follow the policy and procedure for the wastage of unused portions of the medications, as follows:

Date/ Time	Patient Account No.	Medication Dispensing System (Acudose)	Physician's Order	Medication Administration Record	Nurses Notes	Waste
2/17/07 @ 13:42	F490673	(1) Meperidine HCL syringe 50mg/ml	No Order	None Note: Pt. Not admitted until 2/20/2007	None	None
2/17/07 @ 14:58	F490838	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1458 no initials	None- Note: Patient delivered at 1619	None
2/17/07 @ 16:11	F490838	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1611 no initials	None- Note: Patient delivered at 1619	None
2/17/07 @0855	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	0855 no initials	None - Note: Patient delivered at 1904	None
2/17/07 @ 1005	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order- Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1005 no initials	Demerol 50mg Note: Patient delivered at 1904	None
2/17/07 @ 1216	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order- Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1216 no initials	None - Note: Patient delivered at 1904	None
2/17/07 @1810	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1810 no initials	None - Note: Patient delivered at 1904	None
2/17/07 @ 1917	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1917 no initials	None - Note: Patient delivered at 1904	None
2/17/07 @ 1931	F487072	(1) Meperidine HCL syringe 50mg/ml	No Order - Note: Postoperative Order for Meperidine 12.5 mg IVP for shivering, may repeat X1	1924 no initials	None - Note: Patient delivered at 1904	None

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).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A) and §217.12(10)(C) and (11)(B).

CHARGE IV.

On or about February 17, 2007, while employed with the Labor and Delivery Unit with The Woman's Hospital of Texas, Houston, Texas, Respondent admitted to her employer that she had misappropriated Meperidine belonging to the facility and patients thereof for her own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G),(8)&(10)(E).

CHARGE V.

On or about February 17, 2007, while employed with Labor and Delivery Unit with The Woman's Hospital of Texas, Houston, Texas, Respondent admitted to her employer that she had engaged in the intemperate use of Meperidine. Possession of Meperidine without a lawful prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Meperidine 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(A) &(11)(B).

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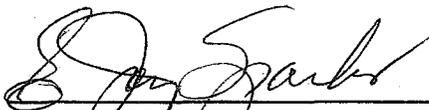
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency and Fraud, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

Filed this 7th day of March, 2008.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
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