

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 540832
ISSUED TO
DEBRA ANN LONG

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF 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 A. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Debra Ann Long
28610 Huffman Cleveland Rd.
Huffman, Texas 77336

During open meeting held in Austin, Texas, on June 10, 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 Board of Nurse Examiners 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 540832, previously issued to DEBRA ANN LONG, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.


IT IS FURTHER ORDERED that Permanent Certificate Number 540832, previously issued to DEBRA ANN LONG, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

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 10th day of June, 2008.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:



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

Re: Permanent Certificate Number 540832
Issued to Debra Ann Long
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June, 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):

Debra Ann Long
28610 Huffman Cleveland Rd.
Huffman, Texas 77336

BY:

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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 540832, Issued to §
DEBRA ANN LONG, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DEBRA ANN LONG, is a Registered Nurse holding license number 540832, which is in delinquent 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 August 31, 2007, through December 28, 2007, Respondent failed to comply with the Agreed Order which was issued to Respondent by the Board of Nurse Examiners for the State of Texas on June 18, 2007. Non-compliance was the result of Respondent's failure to enter a treatment program for substance use disorder, in compliance with stipulation number three (3) of the Agreed Order, which states in pertinent part:

RESPONDENT SHALL comply with all requirements of the TPAPN [Texas Peer Assistance Program for Nurses] contract during its term.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE § 217.12(9)&(11)(B).

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CHARGE II.

On or about October 29, 2007, through December 3, 2007, Respondent failed to comply with the Agreed Order which was issued to Respondent by the Board of Nurse Examiners for the State of Texas on June 18, 2007. Non-compliance was the result of Respondent's failure to call for drug screens, in compliance with stipulation number three (3) of the Agreed Order, which states in pertinent part:

RESPONDENT SHALL comply with all requirements of the TPAPN [Texas Peer Assistance Program for Nurses] contract during its term.

As a result, Respondent missed three (3) drug screens that were scheduled for October 29, 2007, November 12, 2007, and December 3, 2007.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE § 217.12(9)&(11)(B).

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).

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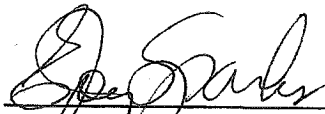
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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 which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated June 18, 2007.

Filed this 28th day of February, 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
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated June 18, 2007

0999/D

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse §
License Number 540832 § AGRBED
issued to DEBRA ANN LONG § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DEBRA ANN LONG, Registered Nurse License Number 540832, 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 May 10, 2007, by Katherine A. Thomas, MN, RN, Executive Director.

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 is currently licensed to practice registered nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from The University of Texas - Pan American, Edinburg, Texas, on May 15, 1987. Respondent was licensed to practice professional nursing in the State of Texas on August 24, 1987.
5. Respondent's nursing employment history includes:

1987 - 1992	Unknown
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Respondent's nursing employment history continued:

1993 - 1994	Home Health Nurse	Barton Creek Home Health Austin, Texas
1994 - 1995	Staff Nurse	City of Austin Health Services Austin, Texas
1996 - 11/04	Not Employed in Nursing	
12/04 - 5/05	Staff Nurse	DeTar Hospital Victoria, Texas
6/05 - 8/05	Staff Nurse	Memorial Medical Center Port Lavaca, Texas
9/05 - 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 DeTar Hospital, Victoria, Texas, and had been in this position for two (2) months.
7. On or about February 13, 2005, while employed with DeTar Hospital, Victoria, Texas, Respondent failed to administer Darvocet N 100 to Patient 108911 at 09:00, as ordered. Instead, Respondent falsely documented in the medical record that the medication had been administered. Respondent's conduct was deceptive, resulted in an inaccurate medical record, may have caused the patient to suffer pain unnecessarily, and was likely to injure the patient in that subsequent care givers would not have accurate information on which to base their care decisions.
8. On or about April 25, 2005, through June 19, 2005, while employed with DeTar Hospital, Victoria, Texas, Respondent failed to administer medications to patients, as follows:

DATE	PATIENT	PHYSICIAN'S ORDER	MEDICATION ADMINISTRATION RECORD
4/25/05	322807	"IV Levaquin 500 mg and IV Flagyl 500 mg every 8 hours."	Administration not documented by Respondent
5/6/05	348821	"Vitamin K 20 mg IM today, then Vitamin 10 mg IM x 3 days."	Administration not documented by Respondent
6/13/05	40935	"Tarka 180/2 mg. daily"	Administration not documented
6/19/05	232419	"Humalog Insulin 30 units subq. TID."	Administration not documented.

Respondent's conduct was likely to injure the patients from delays in the treatments of their disease processes.

9. On or about July 14, 2005, Respondent engaged in the intemperate use of alcohol in that Respondent produced a specimen for a pre-employment drug screen with Memorial Medical Center, Port Lavaca, Texas, which resulted positive for alcohol. The use of alcohol 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 patients in potential danger.
10. On or about August 28, 2005, through August 29, 2005, while employed with Memorial Medical Center, Port Lavaca, Texas, Respondent engaged in the intemperate use of alcohol in that she was noted to have the smell of alcohol on her breath and was observed eating mints and candy frequently during her shift. The use of alcohol 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 patients in potential danger.
11. In response to the incidents in Findings of Fact Numbers Seven (7) through Ten (10), Respondent admits that she was involved in all five medication errors, and states that they all were "errors of omission." Furthermore, Respondent states that she informed the facility on the morning of her physical that she had "partied hard" the night before. "I was told that they still wanted me and asked me to sign a contract stating I would agree at anytime to take a Breathalyzer test."
12. On or about May 1, 2007, Respondent completed a forensic psychological evaluation with a chemical dependency component performed by Troy Martinez, Psy. D., which diagnosed Respondent as suffering from Alcohol Abuse and Depressive Disorder, Not Otherwise Specified. It is the recommendation of Dr. Martinez that Respondent complete the Texas Peer Assistance Program for Nurses (TPAPN) for peer assistance dealing with ongoing issues of alcohol abuse, and that presuming sobriety and compliance with TPAPN, Respondent should be able to consistently behave in accordance with accepted nursing standards and to be able to avoid behaviors identifiable as constituting unprofessional conduct.
13. 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.
14. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Ten (10) was significantly influenced by Respondent's impairment by dependency on alcohol.
15. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B), (1)(C)&(1)(D) and 217.12(1)(B),(4),(5),(6)(A),(10)(A)&(10)(B).
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 540832, heretofore issued to DEBRA ANN LONG, including revocation of Respondent's license to practice professional nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to DEBRA ANN LONG, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality

and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§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.

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

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

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice 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 have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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.

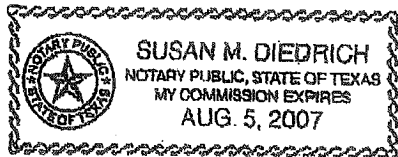
Signed this 6th day of June, 2007.

Debra Ann Long
DEBRA ANN LONG, Respondent

Sworn to and subscribed before me this 6th day of June, 2007.

SEAL

Susan M. Diedrich
Notary Public in and for the State of Texas




Approved as to form and substance.

Mark Siurek
Mark Siurek, Attorney for Respondent

Signed this 12th day of June, 2007.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 6th day of June, 2007, by DEBRA ANN LONG, Registered Nurse License Number 540832, and said Order is final.

Entered and effective this 18th day of June, 2007.


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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Debra Ann Long
 28610 Huffman Cleveland Rd
 Huffman, Texas 77336

385

05/11

2. Article Number

(Transfer from service label) 7007 1490 0004 9912 7613

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1640

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
 B. Recipient's (Printed Name) Date of Delivery
 C. Date of Delivery
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

[Handwritten Signature]
 MAR 14 2009
 [Circular Postmark]

3. Service Type
 Certified Mail Express Mail
 Registered Mail Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 540832
ISSUED TO
DEBRA ANN LONG

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS

ORDER OF THE BOARD

TO: Debra Ann Long
28610 Huffman Cleveland Rd.
Huffman, Texas 77336

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The Committee of the Board of Nurse Examiners 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.