

BEFORE 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.
Katherine A. Thomas
Executive Director of the Board

In the Matter of Registered Nurse License Number 714063 § AGREED
issued to MONICA LILIANA TORRIO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MONICA LILIANA TORRIO, Registered Nurse License Number 7140 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(3),(9)&(10), Texas Occupations Code. Respondent waived notice and hearing, and agreed to the entry of this Order offered on April 10, 2008, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

An informal conference was held on Tuesday, October 2, 2007, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Richard C. Collins, J.D., Attorney at Law. In attendance were Mary Beth Thomas, Ph.D., RN, Director, Nursing Division, Executive Director's Designee; Rachel Gomez, LVN, Board Member; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Kevin G. Freemyer, Investigator; and Mike Abul-Saud, RN, Investigator.

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 notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas Health Science Center - San Antonio, San Antonio, Texas, on December 1, 2004. Respondent was licensed to practice professional nursing in the State of Texas on March 1, 2005.
5. Respondent's complete professional nursing employment history includes:

01/05-05/05	GN/RN	Seton Healthcare Austin, Texas
04/05-04/06	RN	St. David's Medical Center Austin, Texas
04/06-05/06	RN	North Austin Medical Center Austin, Texas
10/06 - Present	RN	Cornerstone Hospital of Austin Austin, Texas

6. At the time of the incident, Respondent was employed as a professional nurse with North Austin Medical Center, Austin, Texas, and had been in this position for approximately one (1) month.
7. On or about May 10, 2006, while employed as a Registered Nurse with North Austin Medical Center, Austin, Texas, Respondent engaged in the intemperate use of Hydrocodone in that Respondent produced a specimen for a drug screen which resulted positive for Hydrocodone. The use of Hydrocodone 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, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about September 28, 2006, Respondent entered a plea of Guilty to FRAUD POSSESSION OF CONTROLLED SUBSTANCE/PRESCRIPTION (a 3rd Degree Felony offense committed on or about May 25, 2006), in the 26th Judicial District Court of Williamson County, Texas, under Cause No. 06-989-K26. Respondent had misappropriated a blank prescription form, forged a prescription and used it to obtain Norco and Flexeril from a pharmacy. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on Community Supervision for a period of five (5) years. Additionally, Respondent was sentenced to confinement in the Williamson County Jail for a period of twenty-eight (28) days. Furthermore, Respondent was ordered to pay a two thousand, five hundred dollar (\$2,500)

fine and court costs; pay seven dollars and thirty-six cents (\$7.36) in Restitution; attend and complete a six (6) month aftercare program; attend Alcoholics Anonymous/Narcotics Anonymous; attend and successfully complete a Cognitive Education Program; and complete two hundred (200) hours of Community Service Restitution.

On or about September 28, 2006, Respondent's Conditions of Community Supervision were altered. In lieu of the twenty-eight (28) days of confinement in the Williamson County Jail, Respondent was ordered to serve twenty-eight (28) days with the Williamson County Community Service Restitution Program on consecutive weekends, Saturdays and Sundays, beginning September 30, 2006.

9. Respondent submitted documentation showing she was in good standing with the Texas Peer Assistance Program for Nurses from July 18, 2006, through September 26, 2007. Respondent submitted letters of recommendation from Cheryl L. Boutilier, RN, CMSRN, Director of Operations-CHA, Cornerstone Healthcare Group (current employer); Ray Marin, Counselor Intern, Austin Drug & Alcohol Abuse Program; Jennifer Rizey, Adult Probation Officer, Williamson County Adult Probation; Paula Hays, Respondent's TPAPN advocate; and Carolina Sisti, Respondent's sponsor. Respondent submitted proof of completion of the Austin Drug and Alcohol Abuse Program (outpatient treatment). Respondent states that she has completed the Way Out Relapse Prevention Treatment Program and regularly attends Alcoholics Anonymous/Narcotics Anonymous.
10. 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.
11. Charges were filed on June 22, 2007.
12. Charges were mailed to Respondent on July 9, 2007.

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 violation of Section 301.452(b)(3),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(A),(G)&(H),(10)(A),(B),(D)&(E),(11)(B)&(13).

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 714063, heretofore issued to MONICA LILIANA TORRIO, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 714063, previously issued to MONICA LILIANA TORRIO, to practice professional nursing in Texas is hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION for three (3) years with the following agreed terms of probation:

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§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.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to MONICA LILIANA TORRIO, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: [http://www.bon.state.tx.us/disciplinary action](http://www.bon.state.tx.us/disciplinary_action).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE

PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work

only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a nurse.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(10) RESPONDENT SHALL CAUSE her probation officer to submit written reports

on forms provided to the Respondent by the Board. The reports shall indicate the RESPONDENT's compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until RESPONDENT is released from probation.

(11) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of the offense as outlined in Finding of Fact Number Ten (10) or her probation be amended, said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice professional nursing in the State of Texas. Early termination of community supervision shall not constitute a violation of this order.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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. 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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.

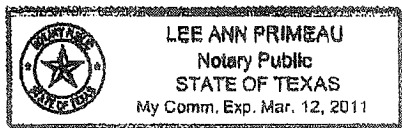
Signed this 12 day of May, 2008.

Monica L. Torrio
MONICA LILIANA TORRIO, Respondent

Sworn to and subscribed before me this 12th day of May, 2008

SEAL

Lee Ann Primeau
Notary Public in and for the State of Texas




Approved as to form and substance.

Richard C. Collins
RICHARD C. COLLINS, J.D., Attorney for Respondent

Signed this 12th day of May, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of May, 2008, by MONICA LILIANA TORRIO, Registered Nurse License Number 714063, and said Order is final.

Effective this 10th day of June, 2008.



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