

BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Vocational Nurse § AGREED
License Number 174131 §
issued to MICHAL LYNN DODSON § ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of MICHAL LYNN DODSON, Vocational Nurse License Number 174131, hereinafter referred to as Respondent..

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 2, 2008, 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 representation by counsel, informal conference, 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 Panola Junior College, Carthage, Texas, on August 20, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on October 27, 1999.
5. Respondent's vocational nursing employment history includes:
10/99 - 2000 LVN Carthage Dialysis Carthage, Texas

Respondent's vocational nursing employment history (continued):

05/00 - 01/03	LVN	Briarcliff Health Center Carthage, Texas
02/03 - 06/03	LVN	Panola Nursing and Rehab Carthage, Texas
07/03 - 01/04	LVN	Briarcliff Health Center Carthage, Texas
02/04 - Present	LVN	Panola Nursing and Rehab Carthage, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Panola Nursing and Rehab, Carthage, Texas, and had been in this position for approximately three (3) years and eight (8) months.
7. On or about October 8, 2007 through November 11, 2007, while employed as a Licensed Vocational Nurse with Panola Nursing and Rehab, Carthage, Texas, Respondent lacked fitness to practice vocational nursing in that Respondent was hospitalized and subsequently entered outpatient treatment for alcohol and was prescribed Ativan abuse/dependence, and depression. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. In response to Finding of Fact Number Seven (7), Respondent states: The alleged facts are fairly accurate. I self-reported while I was in outpatient treatment for alcohol and Ativan abuse/dependence, and depression. Part of my treatment plan was to disclose my addictions to my employer, and to the nursing board, something that created great anxiety, but great relief once I did it. It was an effort to have a greater sense of accountability to the people who had placed their trust in me. I was addicted to Ativan, prescribed to me by a doctor, and took it for years. I was taking 6mg a day. That was the prescribed dose. I tried to quit taking it on my own, but the withdrawals were severe. I started taking it again, as directed, then tried to wean myself off. I developed a severe depression, and realized that it was too much for me to do on my own. I needed treatment, and I went to get it. Since that time, I have been drug free.
9. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

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. Respondent's conduct described in Finding of Fact Number Seven (7) resulted from Respondent's impairment by dependency on chemicals.
12. 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)&(10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 174131, heretofore issued to MICHAL LYNN DODSON, including revocation of Respondent's license to practice vocational 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 MICHAL

LYNN DODSON, to the office of the Texas Board of Nursing 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his/her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

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 Texas Board of Nursing 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.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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. 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 Texas Board of Nursing, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

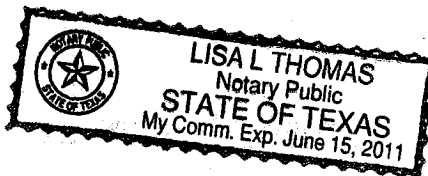
Signed this 30 day of June, 2008.

Michal Lynn Dodson
MICHAL LYNN DODSON, Respondent

Sworn to and subscribed before me this 30~~th~~ day of June, 2008.


SEAL

Lisa L Thomas
Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 30th day of June, 2008, by MICHAL LYNN DODSON, Vocational Nurse License Number 174131, and said Order is final.

Entered and effective this 9th day of July, 2008.


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