

Seton Northwest Hospital
Austin, Texas

Round Rock Medical Center
Round Rock, Texas

Central Texas Medical Center
San Marcos, Texas

Santa Rosa Hospital
San Antonio, Texas

Baptist Hospital
San Antonio, Texas

Palomar Hospital
Escondido, California

Scripps Memorial Hospital
La Jolla, California

Sharp Memorial Hospital
San Diego, California

Community Memorial Hospital of San Buenaventura
Ventura, California

Westlake Community Hospital
Westlake Village, California

Camarillo Urgent Care Center
Camarillo, California

6. At the time of the incidents in Findings of Fact Numbers Seven (7) through Ten (10), Respondent was employed as a Staff Nurse in Labor and Delivery at Seton Northwest Hospital, Austin, Texas, and had been in this position for approximately three (3) years.
7. On or about December 10, 2003, while employed in Labor and Delivery at Seton Northwest Hospital, Austin, Texas, Respondent may have lacked fitness to safely practice in that co-workers alleged that she expressed suicidal ideations while on duty and appeared distracted with her work. Respondent's condition may have prevented her from delivering safe nursing care.
8. On or about January 26, 2004, while employed in Labor and Delivery at Seton Northwest Hospital, Austin, Texas, Respondent may have lacked fitness to safely practice in that co-

workers asserted that Respondent "blacked out" while on duty. Respondent's condition may have prevented her from delivering safe nursing care.

9. On or about February 21, 2004, while employed in Labor and Delivery at Seton Northwest Hospital, Austin, Texas, Respondent may have lacked fitness to safely practice in that co-workers alleged that she:
 - exhibited difficulty with patient assessments/evaluations and follow-up with nursing interventions to stabilize patients;
 - failed to report patients' symptoms to physicians which included elevated blood pressures;
 - was unable to follow through with physicians' orders to stabilize patients assigned to her, which included timely interventions for patients that experienced decelerations of fetal heart tones;
 - exhibited impaired behavior which included slow thinking, slow walking and slow completion of nursing interventions/assignments; and
 - she had a glazed look on her face.

Respondent's condition may have prevented her from delivering safe nursing care.

10. On or about July 25, 2004, while employed in Labor and Delivery at Seton Northwest Hospital, Austin, Texas, Respondent may have lacked fitness to safely practice in that co-workers alleged that she failed to understand the seriousness of the error of the administration of 1mg of Terbutaline instead of .25 mg Terbutaline. Furthermore co-workers alleged that when asked, Respondent was unable to verbalize what the correct dosage of Terbutaline should be. Error in the administration of Terbutaline, a medication she was about to administer to a patient, could have resulted in harm to the patient.
11. The Respondent's alleged conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.409, Texas Occupations Code.
12. Respondent's alleged conduct described in Findings of Fact Numbers Seven (7) through Ten (10) resulted from Respondent's mental illness.
13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
14. Respondent denies the allegations of fact set forth above in Finding of Fact Numbers Seven (7) through Ten (10).

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Section 301.457, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The allegations received, if true, would be sufficient to prove violation of Section 301.452(b)(10),(12) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5).
4. The allegations received, if true, would be sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 591775, heretofore issued to DOROTHY ANN LIPPINCOTT, including revocation of Respondent's professional license to practice 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 possible 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to the Texas Peer Assistance Program for Nurses (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 that should TPAPN decline to accept Respondent into its program, Respondent will not be in violation of this Agreed Order and Respondent and the Board of Nurse Examiners may negotiate a different Agreed Order or proceed to contested case hearing. In such event, however, RESPONDENT SHALL undergo a psychological evaluation to determine her mental fitness to practice professional nursing. The evaluation shall be performed by a psychiatrist or a clinical psychologist selected by Respondent and approved by the Board. The Board shall approve Respondent's selection of evaluator if the evaluator is board-certified by an appropriate credentialing body and is otherwise qualified to perform the evaluation. The evaluation shall be completed within ninety (90) days from the date TPAPN declines Respondent's participation. RESPONDENT SHALL CAUSE the performing psychiatrist or clinical psychologist to send a report of the evaluation to the Board office. The report shall include:

1. a description of the instruments used for evaluation and the results of the evaluation;
2. a statement as to the RESPONDENT's fitness to safely practice professional nursing; and
3. recommendations for therapy or other follow-up.

RESPONDENT SHALL comply with the evaluator's recommendations for therapy or other follow-up. If the evaluation states that Respondent lacks fitness to practice professional nursing, RESPONDENT SHALL cease to provide direct patient care until such time that the same evaluator deems Respondent safe to return to direct patient care or Respondent obtains an evaluation from a second board-certified, qualified psychiatrist or clinical psychologist who opines that it is safe for

Respondent to provide direct patient care. If the results of any such evaluation reveal further violations of the Nursing Practice Act, further disciplinary action may be taken, including revocation of Respondent's license to practice professional nursing in the State of Texas.

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 professional 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 may result in further disciplinary action including possible revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED that upon Respondent's completion of the TPAPN program, the Board will request that TPAPN provide to Respondent and the Board an acknowledgment in writing that Respondent has completed the TPAPN program.

IT IS FURTHER AGREED that Respondent's completion of the TPAPN program will satisfy the terms of this Agreed Order in full and, in that instance, the Board will not take

additional disciplinary action against Respondent for the acts alleged in Finding of Fact Numbers seven (7) through ten (10).

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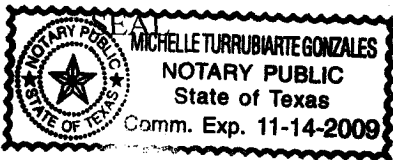
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I deny the violations alleged herein. By my signature on this Order, I agree to accept 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 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 possible revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29 day of August, 2006.

Dorothy Ann Lippincott
DOROTHY ANN LIPPINCOTT, Respondent

Sworn to and subscribed before me this 29 day of August, 2006.



Michelle J. Beales
Notary Public in and for the State of Texas.

Approved as to form and substance.

M
DAVID L. SWANSON, Attorney for Respondent

Signed this 5 day of September, 2006.

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 29th day of August, 2006____, by DOROTHY ANN LIPPINCOTT, Registered Nurse License Number 591775, and said Order is final.

Entered and effective this 7th day of September, 2006_____.



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