

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse
License Number 568372
issued to TRACEY MILLETTE PICKERING

§ AGREED
§
§ 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 TRACEY MILLETTE PICKERING, Registered Nurse License Number 568372, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 22, 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 registered nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from University of Texas Arlington, Arlington, Texas on December 21, 1990. Respondent was licensed to practice registered nursing in the State of Texas on March 18, 1991.
5. Respondent's nursing employment history includes:

12/20/90 - 10/31/07

GN/RN
Staff nurse

Cook Children's Medical Center
Fort Worth, Texas

Respondent's vocational nursing employment history continued:

10/31/07 - Present

Unknown

6. At the time of the initial incidents in Findings of Facts Numbers Eight (8) through Eleven (11), Respondent was employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, and had been in this position for Ten (10) months and sixteen (16) years.
7. On or about October 9, 2006 through October 18, 2006, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, Respondent withdrew Morphine from the medication dispensing system (Omniceil) for patients without valid physicians' orders, as follows:

Date	Patient ID No.	Physician's Order	Medication Dispensing System (Omniceil) Record Time and Quantity	Medication Administration Record	Nurse's Notes	Wastage
10/9/06	2195795	Morphine Sulfate 5 mg/ 1ml vial 0640 (1)	Morphine Sulfate 10mg/ 1ml vial 0640 (1)	None	None	None
10/9/06	2195795	No Order	Morphine Sulfate 10mg/ 1ml vial 0901 (1)	None	None	None
10/9/06	2192360	No Order	Morphine sulfate 10mg/ 1ml vial 0947 (1)	None	None	None
10/18/06	929869	No Order	Morphine Sulfate 10mg/ 1ml vial 1009 (1)	None	None	None

Respondent's conduct was likely to injure the patient in that the administration of Morphine without a physician's order could result in the patient suffering from adverse reactions including respiratory depression.

8. On or about October 9, 2006 through October 18, 2006, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, Respondent withdrew Morphine from the medication dispensing system (Omniceil) for patients, but failed to document, or accurately document the administration of medications in the patients' Medication Administration Record and/or nurse's notes, as follows:

Date	Patient ID No.	Physician's Order	Medication Dispensing System (Omniceil) Record Time and Quantity	Medication Administration Record	Nurse's Notes	Wastage
10/9/06	2195795	Morphine Sulfate 5 mg/ 1ml vial 0640 (1)	Morphine Sulfate 10mg/ 1ml vial 0640 (1)	None	None	None
10/9/06	2195795	No Order	Morphine Sulfate 10mg/ 1ml vial 0901 (1)	None	None	None
10/9/06	2192360	No Order	Morphine sulfate 10mg/ 1ml vial 0947 (1)	None	None	None
10/18/06	929869	No Order	Morphine Sulfate 10mg/ 1ml vial 1009 (1)	None	None	None

Respondent's conduct was likely to injure patients in that subsequent care givers would rely on the documentation to further medicate the patient which could result in over-medication.

9. On or about October 9, 2006 through October 18, 2006, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, Respondent withdrew Morphine from the medication dispensing system (Omniceil) for patients, but failed to follow the facility's policy and procedure for wastage of any of the unused portions of medications, as follows:

Date	Patient ID No.	Physician's Order	Medication Dispensing System (Omniceil) Record Time and Quantity	Medication Administration Record	Nurse's Notes	Wastage
10/9/06	2195795	Morphine Sulfate 5 mg/ 1ml vial 0640 (1)	Morphine Sulfate 10mg/ 1ml vial 0640 (1)	None	None	None
10/9/06	2195795	No Order	Morphine Sulfate 10mg/ 1ml vial 0901 (1)	None	None	None
10/9/06	2192360	No Order	Morphine sulfate 10mg/ 1ml vial 0947 (1)	None	None	None
10/18/06	929869	No Order	Morphine Sulfate 10mg/ 1ml vial 1009 (1)	None	None	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).

10. On or about October 9, 2006 through October 18, 2006, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, Respondent misappropriated Morphine from the facility and patients thereof, or failed to take precautions to prevent such misappropriations. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
11. On or about December 4, 2006, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, Respondent engaged in the intemperate use of Morphine, in that she produced a specimen for a drug screen which resulted positive for Morphine. Possession of Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine and Demerol 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.
12. On or about May 18, 2007, Respondent admitted that she had a 2nd relapse by using hydrocodone.

13. On or about October 26, 2007, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, Respondent admitted that she engaged in the intemperate use of Alcohol in that she produced a specimen for a drug screen which resulted positive for Ethanol. 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 the patient in potential danger.
14. On or about November 1, 2007, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, Respondent admitted that she engaged in the intemperate use of alcohol in that she produced a specimen for a drug screen which resulted positive for Ethanol. 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 the patient in potential danger.
15. 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.
16. 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.
17. Respondent admits that Findings of Fact Numbers Eight (8) through Twelve (12) are true and factual. On May 18th, 2007, Respondent notified TPAPN that she had relapsed by using hydrocodone. Since May 18th, 2007, Respondent completed a partial in-patient hospitalization stay at the Excel Center in Arlington, Texas, which is the outpatient center for Millwood Psychiatric Hospital for treatment of residual depression resulting from her husband's traumatic death on March 29, 2003 and addiction to hydrocodone. Respondent's chemical dependency began during the time of her husband's death.
18. Respondent's conduct described in Findings of Fact Numbers Eight (8) through Twelve (12), resulted from Respondent's impairment by dependency on chemicals.
19. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

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), & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A)(C)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(B), (4), (6)(G), (10)(A)(C)&(D).
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 568372, heretofore issued to TRACEY PICKERING MILLETTE, including revocation of Respondent's 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 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 TRACEY MILLETTE PICKERING, 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 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 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 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, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *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.

RESPONDENT'S CERTIFICATION

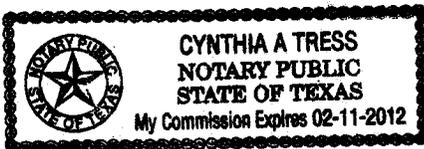
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 Registered nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30 day of September, 2008.

Tracey Millette Pickering
TRACEY MILLETTE PICKERING, Respondent

Sworn to and subscribed before me this 30th day of September, 2008

SEAL



[Signature]
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 30 day of September, 2008, by TRACEY MILLETTE PICKERING, Registered Nurse License Number 568372, and said Order is final.



Entered and effective this 3rd day of October, 2008.


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