

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse § AGREED
License Number 636039 §
issued to MARY JO ELIZABETH SPANOWICZ § 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 Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MARY JO ELIZABETH SPANOWICZ, Registered Nurse License Number 636039, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 9th, 2006, 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 professional nursing in the State of Texas.
4. Respondent received a Bachelor of Science Degree in Nursing from North Park College, Chicago, Illinois, on May 22, 1988, and a Master's Degree in Nursing from the University of Nebraska Medical Center College of Nursing, Omaha, Nebraska, in May 1996. Respondent was licensed to practice professional nursing in the State of Texas on December 17, 1996, and was recognized as a Family Nurse Practitioner on January 7, 1997. Respondent was granted Prescriptive Authority on January 22, 1997.
5. Respondent's professional nursing employment history is unknown.

6. On August 7, 2006, Respondent provided a letter to the Board stating that she is currently in treatment for alcohol dependency. Respondent states that alcohol had become an increasing concern for her in the recent years and she has been able to get help through her employer, the United States Department of State, Office of Medical Services. Also enclosed with Respondent's letter, was a letter from Cynthia Cohen, LCSW-C, CCDC, Alcohol and Drug Counselor, who states that Respondent was flown back from her position at the American Embassy in La Paz, Bolivia, to Washington D.C., on May 22, 2006, where she was immediately hospitalized for detoxification and stabilization. On May 30, 2006, Respondent was discharged and admitted on the same day to an Impaired Health Care Professionals Program where she was successfully discharged on July 13, 2006. Respondent has already started the Continuing Care program, where she will remain for up to two (2) years. Respondent's monitoring will be coordinated and monitored by her employer's employee assistance program, The Alcohol and Drug Awareness Program.
7. Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
8. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due chemical dependency.
9. Respondent's conduct described in Finding of Fact Number Six (6), was significantly influenced by Respondent's dependency on chemicals.
10. 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 violation of Section 301.452(b)(9), Texas Occupations Code.
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 636039, heretofore issued to MARY JO ELIZABETH SPANOWICZ, 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 ORDERED THAT RESPONDENT'S prescriptive authority as a Family Nurse Practitioner (FNP) is hereby removed and voluntarily surrendered by Respondent. Respondent shall not be eligible to petition the Board for prescriptive authority as a FNP until such time as Respondent fulfills all stipulations outlined in this agreed 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 an alternative peer assistance program approved by the Board and acceptable under the criteria established by Chapter 467, Health and Safety Code, or the terms of monitoring agreed to pursuant to the authority of the Nurse Licensure Compact.

TPAPN Option

(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.

United States Department of State, Office of Medical Services.

The Alcohol and Drug Awareness Program (ADAP) as an Alternative to TPAPN

IT IS FURTHER AGREED, and ORDERED that this order constitutes written permission for Respondent to participate in the United States Department of State, Office of Medical Services, The Alcohol and Drug Awareness Program (ADAP) for chemical dependency in lieu of the TPAPN option. This permission is conditioned upon Respondent applying to ADAP and being accepted within ten (10) days following the date of entry of this final Order. Respondent must remain enrolled in United States Department of State, Office of Medical Services, The Alcohol and Drug Awareness Program (ADAP) for a minimum of three (3) years. RESPONDENT SHALL NOT practice in any other party state during the term of the alternative program without prior written authorization from the Board of Nurse Examiners for 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, the terms of the participation agreement with the TPAPN of fail to complete ADAP, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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 27 day of October, 2006.


MARY JO ELIZABETH SPANOWICZ, Respondent

Sworn to and subscribed before me this 27 day of October, 2006.

SEAL



Notary Public in and for the State of Washington, DC

My Commission Expires May 31, 2008

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 27th day of October, 2006, by MARY JO ELIZABETH SPANOWICZ, Registered Nurse License Number 636039, and said Order is final.

Entered and effective this 6th day of November, 2006.



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