

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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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 693533                       §        **AGREED ORDER**  
issued to JENIFER BATES HESLEP           §

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JENIFER BATES HESLEP, Registered Nurse License Number 693533, 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 October 13, 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 Baccalaureate Degree in Nursing from Lamar University, Beaumont, Texas, in December 2002. Respondent was licensed to practice professional nursing in the State of Texas on February 13, 2003.
5. Respondent's professional nursing employment history includes:

01/03 - 07/03	GN/Staff RN	Memorial Hermann Baptist Beaumont Hospital Beaumont, Texas
2006	Staff Nurse	Christus St. Elizabeth Hospital Beaumont, Texas
07/06 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Staff Nurse with Memorial Hermann Baptist Hospital, Beaumont, Texas, and had been in this position for two (2) months.
7. On or about March 2003, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent misappropriated Morphine belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
8. On or about March 2003, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent withdrew Morphine for patients but failed to document the administration of Morphine in the patient's medication administration records and/or nurse's notes. Respondent's conduct was likely to injure patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in over medication.
9. On or about June 25, 2003, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent lacked fitness to practice professional nursing in that while on duty Respondent became unresponsive and unable to breathe on her own. Respondent was transported to the Emergency Room for a suspected medication overdose. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. On or about June 25, 2003, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent engaged in the intemperate use of Opiates in that Respondent provided a specimen for a drug screen which resulted positive for Opiates. Possession of Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates 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.
11. On or about June 25, 2003, while employed with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent misappropriated Morphine belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
12. On or about July 25, 2006, while employed with Christus St. Elizabeth Hospital, Beaumont, Texas, Respondent misappropriated Morphine and Dilaudid belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

13. On or about July 25, 2006, while employed with Christus St. Elizabeth Hospital, Beaumont, Texas, Respondent engaged in the intemperate use of Morphine and Dilaudid. Possession of Morphine and Dilaudid is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine and Dilaudid 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. Respondent submitted verification that on September 15, 2006, she successfully completed in-patient treatment at The Watershed Addiction Treatment Programs, Webster, Texas. Respondent states that she has obtained a sponsor and is working the twelve-step program.
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's conduct described in Findings of Fact Numbers Seven (7) through Thirteen (13) resulted from Respondent's impairment by dependency on chemicals.
18. 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)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(12),(19)&(20)(effective September 2001) and §217.12(6)(G),(8),(9)&(10)(A)(D)(effective September 28, 2004).
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 693533, heretofore issued to JENIFER BATES HESLEP, 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 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 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.

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 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 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 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 21 day of November, 2006

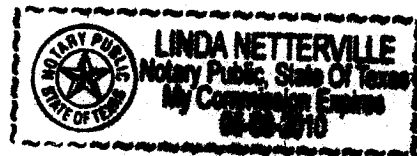
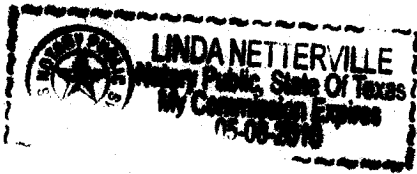
Jennifer Bates Hesp  
JENIFER BATES HESLEP, Respondent

Sworn to and subscribed before me this 21 day of November, 2006

Linda Netterville


Notary Public in and for the State of TX

SEAL



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 21<sup>st</sup> day of November, 2006, by JENIFER BATES HESLEP, Registered Nurse License Number 693533, and said Order is final.

Entered and effective this 4<sup>th</sup> day of December, 2006.

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