



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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of Registered Nurse           §     AGREED  
License Number 706927                   §     ORDER  
issued to KATRINA MELISSA ORTIZ       §

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of KATRINA MELISSA ORTIZ, Registered Nurse License Number 706927, 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 informal conference, notice and hearing, and agreed to the entry of this Order offered on September 12, 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 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 an Associate Degree in Nursing from Galveston College, Galveston, Texas, on May 11, 2004. Respondent originally became licensed to practice professional nursing in the State of Texas on July 8, 2004.
5. Respondent's professional nursing employment history includes:

May 2004 to November 2005

Emergency Technician/GN/Staff Nurse  
Memorial Hermann Southeast  
Houston, Texas

November 2005 to December 2005

Staff Nurse  
Clear Lake Regional Medical Center  
Webster, Texas

December 2005 to Present

Employment Unknown

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Memorial Hermann Southeast, Houston, Texas, and had been in this position for one (1) year. At the time of the second incident, Respondent was employed as a Staff Nurse with Clear Lake Regional Medical Center, Webster, Texas, and had been in this position for one (1) month.
7. On or about November 6, 2005, while employed with Memorial Hermann Southeast Emergency Center, Houston, Texas, Respondent misappropriated Demerol and syringes belonging to the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about November 6, 2005, while employed with Memorial Hermann Southeast Emergency Center, Houston, Texas, Respondent removed multiple vials of Demerol without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
9. On or about November 6, 2005, while employed with Memorial Hermann Southeast Emergency Center, Houston, Texas, Respondent failed to follow policy and procedure for the wastage of Demerol. 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 December 24, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent misappropriated Demerol 50mg belonging to the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
11. On or about December 24, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent removed multiple vials of Demerol 50mg without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
12. On or about December 24, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent failed to follow policy and procedure for the wastage of Demerol 50mg. 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).

13. On or about December 24, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent lacked fitness to practice professional nursing in that she was witnessed by peers to be sleeping multiple times and sleeping while standing at a patient's bedside. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
14. On or about December 25, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent misappropriated Demerol 50mg belonging to the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
15. On or about December 25, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent removed multiple vials of Demerol 50mg without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
16. On or about December 25, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent failed to follow policy and procedure for the wastage of Demerol 50mg. 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).
17. On or about December 28, 2005, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent engaged in the intemperate use of Meperidine and Normeperidine in that she submitted a specimen for a drug/alcohol screen which resulted positive for Meperidine and Normeperidine. Possession of Meperidine and Normeperidine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Meperidine and Normeperidine 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.
18. Respondent's attorney submitted a letter of response and states the following, "Ms. Ortiz admits that she has used Demerol on occasion and found herself in situations where she made poor choices. Although this short use has just begun to interfere with Ms. Ortiz personal and professional life, it has become apparent to her that she should remedy this

situation before it grows in severity. Ms. Ortiz admits to being chemically dependent and admits to diverting Demerol for personal use. Ms. Ortiz feels as though she would benefit from participation in TPAPN and would have elected to do so when previously offered, but she was still in denial regarding her disease at that time. She is presently sober and participating in a 12 step program of recovery."

19. 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.
20. 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
21. Respondent's conduct described in Findings of Fact Numbers seven (7) through seventeen (17) resulted from Respondent's dependency on chemicals.
22. 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)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(D)(iii)&(iv) and 22 TEX. ADMIN. CODE §217.12(1)(C),(5),(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 706927, heretofore issued to KATRINA MELISSA ORTIZ, 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.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

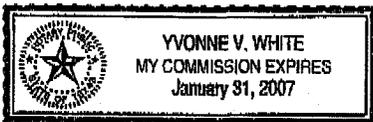
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By 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 18 day of October, 2006.

Katrina M. Ortiz  
KATRINA MELISSA ORTIZ, Respondent

Sworn to and subscribed before me this 18 day of October, 2006.

SEAL



Yvonne V. White  
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]  
Louis Leichter, Attorney for Respondent

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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 18th day of October, 2006\_\_\_\_, by KATRINA MELISSA ORTIZ, Registered Nurse License Number 706927, and said Order is final.

Entered and effective this 1st day of November, 2006\_\_\_\_.



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