

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 589027 § AGREED
issued to LAURA JEAN MOSLEY § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of LAURA JEAN MOSLEY, License Number 589027, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended and 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 June 26, 2000, 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 Texas.
4. Respondent received a Bachelor of Science in Nursing from University of Texas Health Science Center in Houston, Texas in August 1992. Respondent was licensed to practice professional nursing in the State of Texas in March 1993.

5. Respondent's professional employment history includes:

8/92 - 4/94	Staff Nurse Infant Intermediate Care	Texas Children's Hospital Houston, Texas
4/94 - 11/95	Nursing Coordinator Pediatric Research	Baylor College of Medicine Houston, Texas
11/95 - 10/97	Staff Nurse Staff Nurse	Advanced Temporaries, Inc. Medical innovations/PVNS Houston, Texas
10/97 - 6/99	Staff Nurse	Baylor College of Medicine Houston, Texas
6/99 - 5/00	Clinical Research Coordinator Division of Gastroenterology	University of Texas Medical Branch Galveston, Texas
5/00 - present	Unemployed	

6. At the time of the incidents in Findings of Fact Number Seven (7) and Number Eight (8), Respondent was employed as a Staff Nurse with Baylor College of Medicine, Houston, Texas, and had been in this position for eight (8) months.
7. Respondent, on or about June 4, 1998, while employed at Baylor College of Medicine, Houston, Texas, passed an unauthorized, fraudulent prescription for Hydrocodone at Walgreens Pharmacy, Houston, Texas. Respondent's conduct was deceiving to Walgreens Pharmacy and in violation of Chapter 481 of the Health and Safety Code (Controlled Substance Act).
8. Respondent, on or about September 8, 1999, while employed with Baylor College of Medicine, Houston, Texas, engaged in the intemperate use of butibital in that Respondent produced a specimen for a drug screen which resulted positive for butibital. Possession of butibital is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of butibital 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.

9. On or about May 1, 2000, Respondent pled guilty to the felony offense of Obtaining Drugs by Fraud, in the 174th District Court of Harris County, Texas, Cause Number 843089. Respondent was granted a deferred adjudication with five (5) years of community supervision.
10. The Respondent's conduct described in the preceding Finding of Fact Number Seven (7) was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.
11. The Respondent's conduct described in the preceding Findings of Fact Number Eight (8) and Number Nine (9) was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
12. 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.
13. Respondent's conduct described in Findings of Fact Number Seven (7), Number Eight (8) and Number Nine (9) was significantly influenced by Respondent's dependency on chemicals.
14. 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 Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1)&(16).
4. 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(1)&(21).
5. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 589027, heretofore issued to LAURA JEAN MOSLEY, 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.

(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.

(5) IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of offenses as outlined in Findings of Fact Number Seven (7) and Number Nine (9), conviction will result in further disciplinary action 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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 to practice professional nursing in the State of Texas.

BALANCE OF PAGE LEFT BLANK INTENTIONALLY

CONTINUED ON NEXT PAGE

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. 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 July, 2000.

Laura Jean Mosley
LAURA JEAN MOSLEY, Respondent

Sworn to and subscribed before me this 27 day of July, 2000.

SEAL

Dianne E King
Notary Public in and for the State of Texas



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 July, 2000, by LAURA JEAN MOSLEY, License Number 589027, and said Order is final.

Entered and effective this 16th day of August, 2000.



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