

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 657297 § AGREED
issued to NANCY COBB § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that NANCY COBB, hereinafter referred to as Respondent, License Number 657297, may have violated Section 301.452(b)(10) & (12), Texas Occupations Code.

An informal conference was held on March 4, 2003, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Noemi Leal, Supervising Investigator.

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, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas, in May 1998. Respondent was licensed to practice professional nursing in the State of Texas on January 26, 1999.

5. Respondent's professional employment history includes:

8/97 to 12/99	LVN/RN Staff Nurse OB Medical Center Odessa, Texas
1/00 to 5/00	Charge Nurse/Psych Desert Springs Medical Center Midland, Texas
6/00 to 6/01	Staff Nurse/Float Pool/OB/GYN/Charge Nurse Covenant Plainview Plainview, Texas
7/01 to 10/01	Charge Nurse/ER Hi-Plains Hospital Hale Center, Texas
9/01 to 5/02	Charge Nurse/Med-Surg/OB/GYN/Oncology Medical Staffing Network Lubbock, Texas
11/01 to 1/02	Staff Development Bender Terrace Lubbock, Texas
5/27/02 to 6/6/02	Staff Nurse Vista Care Family Hospice Plainview, Texas
1999 to Present	Agency Nurse Nursefinders Odessa, Texas

6. At the time of the incidents, Respondent was employed as a Staff Nurse with Vista Care Family Hospice, Plainview, Texas, and had been in this position for ten (10) days.

7. Respondent, while employed with Vista Care Family Hospice, Plainview, Texas, on or about June 6, 2002, exhibited the following behavior while on duty: staggered in the door, unsteady gait, hair and makeup disheveled, eyes barely open, flat affect, slow comprehension, slurred speech, trouble controlling her physical movements, and did not make eye contact. Respondent's conduct could affect her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could affect her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. Respondent, while employed with Vista Care Family Hospice, Plainview, Texas, on or about June 6, 2002, submitted copies of her treatment records to the employer from Oasis Medical Services, Plainview, Texas, and Covenant Hospital Plainview, Plainview, Texas, after being absent from work for three (3) days. The records appeared to be altered. Attempts to verify Respondent's hospitalization were made by the employer with no records found. Respondent's conduct was likely to deceive the hospital who relied on the information submitted by Respondent while making assignments for nursing care which could have resulted in injury to the patients.
9. Respondent gives a sobriety date from Lortab of September 28, 2002.
10. Charges were filed on January 21, 2003.
11. Charges were mailed to Respondent on January 27, 2003.
12. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
13. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
14. 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, chemical dependency, and mental health.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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)(10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(12) & (22).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 657297, heretofore issued to NANCY COBB, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

IT IS THEREFORE AGREED and ORDERED, that the VOLUNTARY SURRENDER of License Number 657297, heretofore issued to NANCY COBB to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to NANCY COBB, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

FROM : MCCU

FAX NO. : 3335662

Jun. 04 2003 01:18PM P2

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, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 4th day of June, 2003.

Nancy Cobb
NANCY COBB Respondent

Sworn to and subscribed before me this 4th day of June, 2003.

SEAL

Angela Haas

Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing License Number 657297, previously issued to NANCY COBB.

Effective this 4th day of June, 2003.



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