



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.
Patricia R. Plummer
Executive Director of the Board

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 194495
ISSUED TO
ERIN LEIGH MESTA

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING

ORDER OF THE BOARD

TO: Erin Leigh Mesta
4256 Manatee Street
El Paso, Texas 79938-8640

During open meeting held in Austin, Texas, on December 11, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 194495, previously issued to ERIN LEIGH MESTA, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.


IT IS FURTHER ORDERED that Permanent Certificate Number 194495, previously issued to ERIN LEIGH MESTA, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 11th day of December, 2007.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN

EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD


Re: Permanent Certificate Number 194495
Issued to ERIN LEIGH MESTA
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of December, 2007, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Erin Leigh Mesta
4256 Manatee Street
El Paso, Texas 79938-8640

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License
Number 194495, Issued to
ERIN LEIGH MESTA, Respondent

§
§
§

BEFORE THE TEXAS
BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ERIN LEIGH MESTA, is a Vocational Nurse holding license number 194495, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about February 17, 2005, through March 12, 2005, while employed with Medical Staffing Network, Inc., El Paso, Texas, and on assignment with Providence Memorial Hospital, El Paso, Texas, Respondent withdrew medications from the PYXIS Medication Dispensing System for patients, but failed to document the administration of the medications in the patients' Medication Administration Records (MAR), as follows:

Date/Time	Patient	Physician's Order	Pharmacy Record	MAR
2/17/05 @2040	000858181	Ambien 1 PO for sleep	Zolpidem 5mg	No
2/18/05 @2041	000877332	Morphine 2mg IVP Q PRN pain	Morphine 4mg	No
2/18/05 @2055	000877332	Vicodin 1 tab PO Q 4 hrs PRN severe pain	2 Lortab 5/500	No
2/18/05 @2115	000538867	Demerol 25-50mg IM Q 3 hrs PRN pain	Demerol 50mg	No
2/19/05 @2015	000384334	Lortab 1 tab PO Q PRN pain	Lortab 7.5mg	No
2/19/05 @2033	000384334	Hydrocodone/Guaifenesin oral liquid 5ml PO Q 6 hrs PRN cough	2 Guaifenesin/ Hydrocodone 5ml	No
2/20/05 @0041	000384334	Hydrocodone/Guaifenesin oral liquid 5ml PO Q 6 hrs PRN cough	same	No
2/21/05 @0420	000278485	Propoxyphene 1 tab PO	Propoxyphene 1 tab	No
2/21/05 @0540	000738781	No Order	Demerol 25mg	No
2/22/05 @2231	000106759	Propoxyphene 1 tab PO Q 6hrs PRN Pain	Propoxyphene 2 tabs	No
2/22/05 @2146	000856881	Lorcet 1 PO Q 6 hrs PRN sever pain	1 Lortab	No
2/23/05 @2101	000878074	Morphine 4mg IVP	Morphine 4mg	No
2/23/05 @0145	000856881	Diazepam 5mg 1 tab PO Q 6-8 hrs PRN	Diazepam 5mg	No
2/23/05 @0649	000761808	No Order	2 Demerol 25mg	No

2/23/05 @0626	000176286	Lorazepam 1mg IV Q 8 hrs	Lorazepam 2mg	No
2/24/05 @2106	000443996	Lorazepam 1mg IV for anxiety	Lorazepam 2mg	No
2/24/05 @0314	000443996	Lorazepam 1mg IV for anxiety	Lorazepam 2mg	No
2/26/05 @1942	000385588	Demerol 50-100mg IV Q 4-6hrs PRN pain	Demerol 50mg	No
2/26/05 @2334	000803137	No Order	Demerol 75mg	No
2/27/05 @2033	000104414	Darvocet N100 1-2 PO Q 4 hrs PRN	2 Propoxyphene	No
2/27/05 @2030	000803137	Promethazine 5ml PO	Promethazine 5ml	No
2/28/05 @2347	000878743	Temazepam 1 PO for sleep	Temazepam 15mg	No
2/28/05 @2055	000877332	Vicodin 1 tab PO Q 4 hrs PRN severe pain	2 Lortab 5/500	No
2/28/05 @0504	000406730	Hydrocodone 1 tab PO	1 Lortab	No
2/28/05 @0738	000878743	No Order	Demerol 50mg	No
3/1/05 @2142	000878579	PCA Morphine 2-3mg lock out inter. 10min, continuous infusion 1mg/hr	Morphine PCA 30mg/30ml	No
3/1/05 @2253	000818988	Restoril 30mg PO bedtime PRN insomnia	2 Temazepam 15mg	No
3/1/05 @2052	000878579	Valium 5mg IV TID	Diazepam 5mg	No
3/1/05 @2057	000104556	Alprazolam 1 tab PO BID	Alprazolam .25mg	No
3/1/05 @2056	000104556	Limbitrol 5mg tab PO at bedtime	Limbitrol 5/12.5mg	No
3/2/03 @0509	000878579	PCA Morphine 2-3mg lock out inter. 10min, continuous infusion 1mg/hr	Morphine PCA	No
3/2/05 @0416	000878579	Lortab 1 tab Q 4 hrs PRN pain	2 Lortab 10/500	No
3/2/05 @0632	000818988	No Order	Demerol 75mg	No
3/2/05 @0223	000879209	Demerol 25mg IV Q 4hrs PRN moderate pain	Demerol 25mg	No
3/2/05 @0224	000879209	Demerol 25mg IV Q 4hrs PRN moderate pain	Demerol 75mg	No
3/2/05 @0532	000818988	Lortab 1-2 PO Q 4hrs PRN	2 Lortab 7.5mg	No
3/2/05 @0033	000818988	Morphine 2-6mg IV PRN pain	Morphine 5mg	No
3/2/05 @0033	000818988	Lortab 1-2 PO Q 4hrs PRN	Lortab 7.5mg	No
3/3/05 @2338	000097971	No Order	Demerol 25mg	No
3/3/05 @2204	000681575	Clonazepam .5mg at bedtime	Clonazepam .5mg	No
3/4/05 @0541	000306345	Morphine 1-2mg IV Q 2hrs PRN pain	Morphine 2mg	No
3/4/05 @0542	000299815	No order	Demerol 50mg	No
3/4/05 @0542	000299815	No order	Demerol 50mg	No
3/4/05 @0042	000306345	Morphine 1-2mg IV Q 2hrs PRN pain	Morphine 2mg	No

3/5/05 @2023	000879039	Morphine 4mg	Morphine 4mg	No
3/5/05 @2030	000835085	Klonopin .5mg 1 tab PO	Clonazepam .5mg	No
3/6/05 @0508	000879039	No Order	Demerol 75mg	No
3/10/05 @0402	000567189	No Order	2 Demerol 75mg	No
3/10/05 @2115	000567189	Propoxyphene 1 PO	Propoxyphene 1 tab	No
3/11/05 @0002	000621208	Lortab 1-2 PO Q 4-6 hrs PRN	2 Lortab	No
3/11/05 @0002	000621208	Lorazepam 2mg IV	Lorazepam 2mg	No
3/11/05 @2126	000621208	Lorazepam 2mg IV	Lorazepam 2mg	No
3/11/05 @2009	000339791	Morphine 2mg IVP	Morphine 2mg	No
3/11/05 @2014	000621208	Lortab 1-2 PO Q 4-6 hrs PRN	2 Lortab	No
3/11/05 @0619	000621208	No Order	Demerol 75mg	No
3/11/05 @0411	000621208	Lortab 1-2 PO Q 4-6 hrs PRN	2 Lortab	No
3/12/05 @0452	000621208	No Order	2 Demerol 50mg	No
3/12/05 @0451	000621208	Lorazepam 2mg IV	Lorazepam 2mg	No
3/12/05 @0451	000621208	Lortab 1-2 PO Q 4-6hrs PRN	2 Lortab	No

Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)(D) and 217.12(10)(B).

CHARGE II.

On or about February 21, 2005, through March 12, 2005, while employed with Medical Staffing Network, Inc., El Paso, Texas, and on assignment with Providence Memorial Hospital, El Paso, Texas, Respondent withdrew Demerol from the PYXIS Medication Dispensing System for patients without a physician's order for the medication, as follows:

Date/Time	Patient	Physician's Order	Pharmacy Record	MAR
2/21/05 @0540	000738781	No Order	Demerol 25mg	Not documented
2/23/05 @0649	000761808	No Order	Two (2) Demerol 25mg	Not documented
2/26/05 @2334	000803137	No Order	Demerol 75mg	Not documented
2/28/05 @0738	000878743	No Order	Demerol 50mg	Not documented
3/2/05 @0632	000818988	No Order	Demerol 75mg	Not documented

3/3/05 @2338	000097971	No Order	Demerol 25mg	No
3/4/05 @0542	000299815	No order	Demerol 50mg	No
3/4/05 @0542	000299815	No order	Demerol 50mg	No
3/6/05 @0508	000879039	No Order	Demerol 75mg	No
3/10/05 @0402	000567189	No Order	Two (2) Demerol 75mg	No
3/11/05 @0619	000621208	No Order	Demerol 75mg	No
3/12/05 @0452	000621208	No Order	Two (2) Demerol 50mg	No

Respondent's conduct was likely to injure the patient in that the administration of Demerol without a physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(C)(P) and 217.12(1)(B).

CHARGE III.

On or about February 18, 2005, through March 12, 2005, while employed with Medical Staffing Network, Inc., El Paso, Texas, and on assignment with Providence Memorial Hospital, El Paso, Texas, Respondent withdrew medications from the PYXIS Medication Dispensing System for patients, but failed to follow the policy and procedure for the wastage, as follows:

Date/Time	Patient	Physician's Order	Pharmacy Record	Wastage
2/18/05 @2041	000877332	Morphine 2mg IVP Q PRN pain	Morphine 4mg	No
2/18/05 @2055	000877332	Vicodin 1 tab PO Q 4 hrs PRN severe pain	2 Lortab 5/500	No
2/19/05 @2033	000384334	Hydrocodone/Guaifenesin oral liquid 5ml PO Q 6 hrs PRN cough	2 Guaifenesin/ Hydrocodone 5ml	No
2/20/05 @0041	000384334	Hydrocodone/Guaifenesin oral liquid 5ml PO Q 6 hrs PRN cough	2 Guaifenesin/ Hydrocodone 5ml	No
2/21/05 @0420	000278485	Propoxyphene 1 tab PO	Propoxyphene 1 tab	No
2/21/05 @0540	000738781	No Order	Demerol 25mg	No
2/22/05 @2231	000106759	Propoxyphene 1 tab PO Q 6hrs PRN Pain	Propoxyphene 2 tabs	No
2/23/05 @0649	000761808	No Order	2 Demerol 25mg	No
2/23/05 @0626	000176286	Lorazepam 1mg IV Q 8 hrs	Lorazepam 2mg	No
2/24/05 @2106	000443996	Lorazepam 1mg IV for anxiety	Lorazepam 2mg	No
2/24/05 @0314	000443996	Lorazepam 1mg IV for anxiety	Lorazepam 2mg	No
2/26/05 @2334	000803137	No Order	Demerol 75mg	No

2/28/05 @2055	000877332	Vicodin 1 tab PO Q 4 hrs PRN severe pain	2 Lortab 5/500	No
2/28/05 @0738	000878743	No Order	Demerol 50mg	No
3/2/05 @0416	000878579	Lortab 1 tab Q 4 hrs PRN pain	2 Lortab 10/500	No
3/2/05 @0632	000818988	No Order	Demerol 75mg	No
3/2/05 @0224	000879209	Demerol 25mg IV Q 4hrs PRN moderate pain	Demerol 75mg	No
3/3/05 @2338	000097971	No Order	Demerol 25mg	No
3/4/05 @0542	000299815	No order	Demerol 50mg	No
3/4/05 @0542	000299815	No order	Demerol 50mg	No
3/6/05 @0508	000879039	No Order	Demerol 75mg	No
3/10/05 @0402	000567189	No Order	2 Demerol 75mg	No
3/11/05 @0619	000621208	No Order	Demerol 75mg	No
3/12/05 @0452	000621208	No Order	2 Demerol 50mg	No

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).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B)&(10)(C).

CHARGE IV.

On or about April 16, 2005, while employed with Nursefinders of El Paso Staffing, El Paso, Texas, and on assignment with SCCI Hospital-El Paso, El Paso, Texas, Respondent withdrew Demerol from the PYXIS Medication Dispensing System for patients without a physician's order, as follows:

Date/Time	Patient	Physician's Orders	Pyxis Record	MAR	Nurses Notes	Wastage
4/16/05 @ 1653	SA-000868	No Order for Demerol	Demerol 50mg	No	No	No wastage
4/16/05 @ 1813	JM-000887	No Order for Demerol	Demerol 50mg	No	No	No wastage

Respondent's conduct was likely to injure the patient in that the administration of Demerol without a physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(C)(P) and 217.12(1)(B).

CHARGE V.

On or about April 16, 2005, while employed with Nursefinders of El Paso Staffing, El Paso, Texas, and on assignment with SCCI Hospital-El Paso, El Paso, Texas, Respondent withdrew Demerol and Morphine from the PYXIS Medication Dispensing System for patients but failed to document or accurately document the administration of the medications in the patients' Medication Administration Record and Nurses Notes, as follows:

Date/Time	Patient	Physician's Orders	Pyxis Record	MAR	Nurses Notes
4/16/05 @ 1653	SA-000868	No Order	Demerol 50mg	No	No
4/16/05 @ 1813	JM-000887	No Order	Demerol 50mg	No	No
4/16/05 @ 1451	JM-000887	Morphine 2-4mg PRN before wound care	Two (2) Morphine 2mg	No	1300 - 4mg Morphine given

Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)(D) and 217.12(10)(B).

CHARGE VI.

On or about April 16, 2005, while employed with Nursefinders of El Paso Staffing, El Paso, Texas, and on assignment with SCCI Hospital-El Paso, El Paso, Texas, Respondent withdrew Demerol from the PYXIS medication dispensing system for patients, but failed to follow the policy and procedure for the wastage, as follows:

Date/Time	Patient	Physician's Orders	Pyxis Record	MAR	Wastage
4/16/05 @ 1653	SA-000868	No Order	Demerol 50mg	No	No wastage documented
4/16/05 @ 1813	JM-000887	No Order	Demerol 50mg	No	No wastage documented

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).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(10)(C),&(11)(B).

CHARGE VII.

On or about April 2005 and May 2005, while employed with Nursefinders of El Paso Staffing, El Paso, Texas, and on assignment with El Paso State Center, El Paso, Texas, Respondent submitted false time sheets for shifts that she had not worked. The time sheets contained a forged signature and Respondent was paid for the shifts. Respondent's conduct was likely to deceive and defraud the facility and the agency of the salary in the amount of Two Thousand Four Hundred Fifty-Eight Dollars and Fifty Cents (\$2458.50) which was paid to Respondent for shifts that she did not work.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(A)(C)(H).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

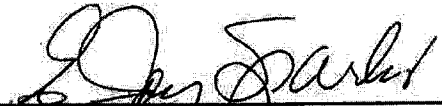
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NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency, Lying and Falsification, and Fraud, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

Filed this 2nd day of November, 2007.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
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