BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of License Number 581742	§	AGREED
issued to LINDA KAY CAMILLO	§	ORDER

An investigation by the Board produced evidence indicating that LINDA KAY CAMILLO, hereinafter referred to as Respondent, License Number 581742, may have violated Article 4525(b)(8) & (9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on March 7, 2000, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent was not in attendance, but participated in the conference via telephone. Respondent was represented by David Zedler, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Sandra Owen, MN, RN, Director of Professional Nursing; James W. Johnston, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Noemi Leal, Senior 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 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 Grayson County College, Denison, Texas in May 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.

5. Respondent's professional employment history includes:

1985 to 1992	LVN
1992 to 1997	Staff Nurse/RN Wilson N. Jones Memorial Hospital Sherman, Texas
1/98 to 10/98	Staff Nurse Renal Treatment Center Sherman, Texas
12/98 to 5/99	Staff Nurse/Agency Pro Touch Nurses Richardson, Texas
5/99 to 6/99	Staff Nurse/Agency Nurses Stat., Inc. Dallas, Texas
7/99 to Present	Not employed in nursing

6. At the time of the incident in findings of fact number seven (7) through ten (10), Respondent was employed as a staff nurse with Wilson N. Jones Memorial Hospital, Sherman, Texas and had been in this position for approximately four (4) years.

7. Respondent, while employed with Wilson N. Jones Memorial Hospital, Sherman, Texas, during August 1996 and September 1996, signed out Lortab on the Controlled Substance Record for patients but failed to document or failed to accurately document the administration of Lortab in the patients' medication administration record. 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 an overdose.

8. Respondent, while employed with the aforementioned facility, during August 1996 and September 1996, misappropriated Lortab belonging to the facility and the patients. Respondent's conduct defrauded the facility and the patients of the cost of the Lortab.

9. Respondent, while employed with the aforementioned facility, during August 1996 and September 1996, engaged in the intemperate use of Lortab (hydrocodone). On September 6, 1996, Respondent produced a specimen for a drug screen which resulted positive for Propoxyphene and Hydrocodone. Possession of Propoxyphene and Hydrocodone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene and Hydrocodone 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.

10. Respondent, while employed with the aforementioned facility, on or about December 13, 1996, engaged in the intemperate use of Hydrocodone and Propoxyphene. Respondent produced a specimen for a drug screen which resulted positive for Hydrocodone and Propoxyphene. Possession of Propoxyphene and Hydrocodone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene and Hydrocodone 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. Respondent, while employed with Total Renal Care, Sherman, Texas, on or about September 30, 1998, engaged in the intemperate use of Lortab (hydrocodone). Respondent produced a specimen for a drug screen which resulted positive for Hydrocodone. Possession of Hydrocodone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydrocodone 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.

12. Respondent, while employed with Nurses Stat, Inc., Dallas, Texas and working at Camelot Care Center of Lewisville, Lewisville, Texas, on or about June 27, 1999, signed out Hydrocodone 5/500 mg, two (2) tabs at 11:50 a.m. on the Controlled Drug Record, for patient R.T. while the patient was out on pass. Respondent's conduct defrauded the patient of the cost of the medication.

13. Respondent, while employed with Nurses Stat, Inc., Dallas, Texas and working at Camelot Care Center of Lewisville, Lewisville, Texas, on or about June 27, 1999, altered the medication count of Hydrocodone on the Controlled Drug Record, for patient B.M.. Respondent's conduct deceived the pharmacy and placed them in violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act) .

14. Respondent, while employed with Nurses Stat, Inc., Dallas, Texas and working at Camelot Care Center of Lewisville, Lewisville, Texas, on or about June 27, 1999, misappropriated Hydrocodone belonging to the aforementioned facility and the patients thereof. Respondent's conduct defrauded the facility and patients of the cost of the Hydrocodone.

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15. Respondent, while employed with Nurses Stat, Inc., Dallas, Texas and working at Camelot Care Center of Lewisville, Lewisville, Texas, on or about June 27, 1999, engaged in the intemperate use of Hydrocodone, Hydromorphone and Methadone. Respondent produced a specimen for a drug screen which resulted positive for Hydrocodone, Hydromorphone and Methadone. Possession of Hydrocodone, Hydromorphone and Methadone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydrocodone, Hydromorphone and Methadone 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.

16. On or about January 22, 1999, Respondent passed an unauthorized telephonic prescription for Hydrocodone. Respondent was indicted for possession of a controlled substance through use of a fraudulent telephonically communicated prescription, namely Hydrocodone in Grayson County, Texas. Respondent's conduct deceived the pharmacy and constitutes a violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

17. On or about June 3, 1999, Respondent was arrested for possession of controlled substances by fraud in Fannin County Texas, cause number 19301. Respondent passed a forged prescriptions for Lorcet. Respondent's conduct deceived the pharmacy and constitutes a violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

18. On or about June 7, 1999, Respondent passed a forged prescription for Lortab. Respondent was indicted for possession of a controlled substance through use of a fraudulent prescription, namely Lortab in Grayson County, Texas. Respondent's conduct deceived the pharmacy and constitutes a violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

19. On or about June 30, 1999, Respondent passed an unauthorized telephonic prescription for Hydrocodone. Respondent was indicted for possession of a controlled substance through use of a fraudulent telephonically communicated prescription, namely Hydrocodone in the County Court at Law No. 1, Grayson County, Texas, cause no. 99-1-1365. Respondent's conduct deceived the pharmacy and constitutes a violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

20. 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.

21. 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.

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 Article 4525(b)(8) & (9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1), (5) & (15).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 581742, heretofore issued to LINDA KAY CAMILLO, 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 TAC 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 581742, heretofore issued to LINDA KAY CAMILLO 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 Linda Kay Camillo, 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.

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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. 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 16 day of May, 2000.

Linda Kay Camillo

LINDA KAY CAMILLO, Respondent

Sworn to and subscribed before me this 16 day of May, 2000.

SEAL

Rose-Margaret Hayden

Notary Public in and for the State of Texas

ROSE-MARGARET HAYDEN
MY COMMISSION EXPIRES
June 16, 2003

Approved as to form and substance.

David Zedler

David Zedler, Attorney for Respondent

Signed this 16th day of May, 2000.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing License Number 581742, previously issued to LINDA KAY CAMILLO.

Effective this 22nd day of May, 2000.

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