

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 548763 § AGREED
issued to MARIA ESTHER WARD § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MARIA ESTHER WARD, License Number 548763, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10), and (12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 16, 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 the State of Texas.
4. Respondent received an Associate Degree in Nursing from Amarillo, College, Amarillo, Texas, in May 1988. Respondent was licensed to practice professional nursing in the State of Texas in September 1988.
5. Respondent's professional employment history is unknown.
6. At the time of the incidents, Respondent was employed as a staff nurse with Baptist St. Anthony's Health System, Amarillo, Texas, and had been in this position for twelve (12) years and four (4) months.

7. On or about October 27, 1999, while employed with Baptist St. Anthony's Health System, Amarillo, Texas, Respondent engaged in the intemperate use of Meperidine, in that Respondent produced a specimen for analysis which tested positive for Meperidine. Possession of Meperidine is prohibited by Chapter 481 of the Texas Health and Safety Code (Texas Controlled Substances Act). The use of Meperidine 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.
8. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
9. 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.
10. Respondent's conduct described in Finding Number Seven (7) resulted from Respondent's impairment by dependency on chemicals.
11. 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), and (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 548763, heretofore issued to MARIA ESTHER WARD, 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.

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.

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.

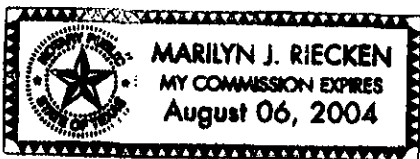
Signed this 28 day of September, 2000.

Maria Esther Ward
MARIA ESTHER WARD, Respondent

Sworn to and subscribed before me this 28 day of September, 2000.


SEAL

Marilyn J. Riecken
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 28th day of September, 2000, by MARIA ESTHER WARD, License Number 548763, and said Order is final.

Entered and effective this 4th day of October, 2000.


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



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

Mailing Address:
POST OFFICE BOX 430
AUSTIN, TEXAS 78767-0430

WEB SITE: www.bne.state.tx.us
333 GUADALUPE, SUITE 3-460
AUSTIN, TEXAS 78701 • 512/305-7400 • Fax: 512/305-7401

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR

July 28, 2000

Everist Ware
3001 Hillcroft #506
Houston TX 77057

Dear Ms. Ware:

This office is in receipt of your final Nursing Performance Evaluation. You are no longer required to submit reports to this office. Our file reflects that all requirements of the Order of the Board entered on March 9, 1999, have been met.

Please return your current wallet-sized license along with a copy of this letter. We will then issue you a license without the stipulated designation.

Your address of record is still reflecting the Greenway Dr. address. Please submit a written change of address to this office so that your record will reflect your correct address.

If you have any questions, please contact me at (512) 305-6834.

Sincerely,

A handwritten signature in black ink that reads "Korena Schaaf".

Korena Schaaf
Investigator
Monitoring

0994/160

MEMBERS OF THE BOARD

NANCY BOSTON
TEMPLE, TEXAS

MARY LETRICE KEMP BROWN, BSN, RN
DALLAS, TEXAS

JOHN FONTENO, JR.
HOUSTON, TEXAS

MARCELO LAIJAS, JR.
FLORESVILLE, TEXAS

KENNETH W. LOWRANCE, MS, RN, CS, FNP-C
CLIFTON, TEXAS

SUE MCGEE, MSN, RN
AMARILLO, TEXAS

THALIA H. MUNOZ, MS, RN
ROMA, TEXAS

ELIZABETH C. POSTER, PhD, RN
ARLINGTON, TEXAS

LINDA R. ROUNDS, PhD, RN, FNP
GALVESTON, TEXAS