



## Board of Nurse Examiners For the State of Texas

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February 1, 2002

Treasa Wells, RN  
2103 Morrison  
Big Spring TX 79720

Dear Ms. Wells:

The Board has received all documents necessary to fulfill the requirements of your Order. Our records now reflect your successful completion of the requirements of the Order of the Board issued to you November 14, 2000.

A license will be issued to you without the stipulation designation. Upon receipt of the new uncoded license, please destroy your coded license.

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

Sincerely,

A handwritten signature in cursive script that reads "Diana Vandiver".

Diana Vandiver  
Monitoring

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS  
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In the Matter of License Number 617797     §     AGREED  
issued to TREASA J. WELLS                   §     ORDER

An investigation by the Board produced evidence indicating that TREASA J. WELLS, hereinafter referred to as Respondent, License Number 617797, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended and Section 301.452(10) of the Texas Occupations Code.

An informal conference was held on September 5, 2000, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the 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; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Cynthia A. Smith, Investigator; and Cynthia Barber, 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 the State of Texas.

4. Respondent received a certificate for completion of the Vocational Nursing program from Howard College, Big Spring, Texas and became a Licensed Vocational Nurse in 1994. Respondent received an Associate Degree in Nursing from Howard College, Big Spring, Texas, in May 1995 and was licensed to practice professional nursing in the State of Texas on June 20, 1995.

5. Respondent's professional employment history includes:

6/95 - 3/97	Staff Nurse Big Spring State Hospital Big Spring, Texas
3/97 - 12/97	Staff Nurse Lamesa Home Health Big Spring, Texas
12/97 - 1/99	Staff Nurse Martin County Hospital Stanton, Texas
2/99 - 10/99	Staff Nurse Generations Home Care, Inc. Big Springs, Texas
10/99 - 12/99	Mountainview Nursing Big Spring, Texas
12/99 - present	Commanche Trail Nursing Center Big Spring, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a staff nurse at Martin County Hospital, Stanton, Texas and had been in this position for one (1) year and one (1) month.

7. During the month of January 1999, while employed with Martin County Hospital, Stanton, Texas, Respondent misappropriated over one hundred (100) Ultram 50 mg. tablets from the facility. Respondent's conduct defrauded the hospital and the patients therein of the cost of the medication.

8. Respondent underwent a psychiatric evaluation by John Carrick, M.D. Dr. Carrick's findings indicate that Respondent became depressed after a hysterectomy and began to experience migraine headaches as a result of the depression. Respondent was prescribed Ultram by her primary care physician for these headaches. Although Ultram alleviated the headaches, Respondent began to experience symptoms of impaired behavior and her primary

care physician took her off Ultram. Respondent's migraine headaches returned and it was during this time that she misappropriated Ultram from the facility to alleviate the headaches. Consequently, Respondent's primary care physician prescribed 20 mg. Prozac for her depression and this has eliminated her migraine headaches. Dr. Carrick states that Respondent does not have a chemical dependency problem and states that, "clearly the Ultram was used to alleviate her headaches."

9. On or about October 3, 1999, while employed at Generations Home Care, Inc., Big Springs, Texas, Respondent falsely documented a 10:15 a.m. home health visit for Patient HS that she did not actually make. Respondent's conduct was deceiving to Generations Home Care, Inc. and Patient HS.

#### 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., 22 TEX. ADMIN. CODE §217.13(15), Section 301.452(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(22).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 617797, heretofore issued to TREASA J. WELLS, including revocation of Respondent's professional license to practice nursing in the State of Texas.

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## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Reprimand with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§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 that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to TREASA J. WELLS, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT:**

(4) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(6) RESPONDENT SHALL be supervised by a registered nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if

necessary. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription.

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(10) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 12 day of Oct, 2000.

*Treasa J. Wells*  
TREASA J. WELLS, Respondent

Sworn to and subscribed before me this 12 day of Oct, 2000.

SEAL

*Irene Felipa Jackson*

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 12<sup>th</sup> day of October, 2000, by TREASA J. WELLS, License Number 617797, and said Order is final.

Effective this 14<sup>th</sup> day of November, 2000.

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