

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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|                                   |   |        |
|-----------------------------------|---|--------|
| In the Matter of Vocational Nurse | § | AGREED |
| License Number 112802             | § |        |
| issued to LAWANA SUE GUY          | § | ORDER  |

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of LAWANA SUE GUY, Vocational Nurse License Number 112802, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 8, 2007, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from El Centro College, Dallas, Texas, on August 16, 1985. Respondent was licensed to practice vocational nursing in the State of Texas on December 4, 1985.
5. Respondent's nursing employment history includes:

|                   |                   |                                    |
|-------------------|-------------------|------------------------------------|
| 12/1985 - 03/2004 | Field Nurse       | Cozby Germany Hospital Home Health |
|                   | Quality Assurance | Grand Saline, Texas                |

Respondent's nursing employment history continued:

|                   |              |   |
|-------------------|--------------|---|
| 04/2004 - 12/2006 | Charge Nurse | Country Trails Care Center<br>Grand Saline, Texas |
| 08/2006 - 09/2006 | Charge Nurse | Country Inn Healthcare Center<br>Van, Texas       |
| 01/2007 - Present | Unknown      |   |

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with Country Trails Care Center, Grand Saline, Texas, and had been in this position for two (2) years and six (6) months.
7. On or about October 9, 2006, while employed as a Charge Nurse with Country Trails Care Center, Grand Saline, Texas, Respondent admitted to her employer that she had diverted and misappropriated Hydrocodone, a Controlled Substance, from residents. Consequently, Respondent was referred by her employer to the Texas Peer Assistance Program for Nurses (TPAPN).
8. On or about December 6, 2006, the Board provided Respondent with notice of alleged violations of the Nursing Practice Act, which included, in relevant part, that:

On or about August 20, 2006, while employed as a Charge Nurse with Country Inn Healthcare Center, Van, Texas, Respondent falsely documented in the medical record of a resident that she had administered a pain medication. Respondent's conduct, as alleged, was likely to injure the patient in that subsequent care givers would rely on her documentation and would not have complete information on which to base their care decisions;

On or about August 26, 2006, through August 27, 2006, while employed as a Charge Nurse with Country Inn Healthcare Center, Van, Texas, Respondent failed to appropriately document the withdrawal of narcotic medications on Narcotic/Hypnotic Inventory Sheets. Respondent's conduct, as alleged, placed the facility in violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act) and was likely to injure patients in that subsequent care givers would rely on her documentation and would not have complete information on which to base their care decisions; and

On or about August 27, 2006, while employed as a Charge Nurse with Country Inn Healthcare Center, Van, Texas, Respondent misappropriated Hydrocodone that had been prescribed for Resident DMW. Respondent's conduct was likely to defraud the facility and the patient of the cost of the medication.

9. On or about December 11, 2006, while employed as a Charge Nurse with Country Trails Care Center, Grand Saline, Texas, Respondent engaged in the intemperate use of Butalbital in that Respondent produced a specimen for a drug screen which resulted positive for Bultalbital. Possession of Bultalbital without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Bultalbital by a Vocational 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 nurses's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
10. 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.
11. 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.
12. Respondent's conduct described in Finding of Fact Numbers Seven (7) through Nine (9) was significantly influenced by Respondent's impairment by dependency on chemicals.
13. 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A)&(1)(D) and 217.12(1)(A),(4),(5),(6)(A),(6)(G),(8),(10)(A),(10)(B),(10)(D),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 112802, heretofore issued to LAWNA SUE GUY, including revocation of Respondent's license to practice vocational 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, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is

encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

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 and multistate licensure privileges, if any, to practice 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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

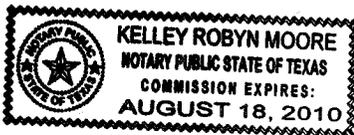
Signed this 22 day of February, 2007.

Lawana Sue Guy  
LAWANA SUE GUY, Respondent

Sworn to and subscribed before me this 22 day of February, 2007

SEAL

Kelley Moore  
Notary Public in and for the State of TX



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 22nd day of February, 2007, by LAWANA SUE GUY, Vocational Nurse License Number 112802, and said Order is final.

Entered and effective this 28th day of February, 2007.

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