

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse	§	
License Number 190870	§	AGREED
issued to MARIANNE ELIZABETH KEY	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MARIANNE ELIZABETH KEY, Vocational Nurse License Number 190870, 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 informal conference, notice and hearing, and agreed to the entry of this Order offered on September 27, 2006, 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 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 Schreiner College, Kerrville, Texas, on August 8, 2003. Respondent originally became licensed to practice vocational nursing in the State of Texas on October 7, 2003.
5. Respondent's complete vocational nursing employment history is unknown.

6. On or about March 24, 2006 through March 26, 2006, while employed at Sid Peterson Memorial Hospital, Kerrville, Texas, Respondent withdrew narcotics from the medication dispensing system for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs), Nurses Notes, or both, as follows:

Date/Time	Patient Account #	NarcoticRecord (Pyxis)	Physician's Order	Medication Administration Record	Nurses Notes	Waste
3/24/06 @ 2050	V009933938	(1) Meperidine HCL 50 mg	Demerol 25 mg IV q 1 PRN	2047	"Medicated with PRN meds"	25 mg
3/25/06 @ 0626	V009933938	(1) Meperidine HCL 50 mg	Demerol 25 mg IV q 1 PRN	0600	"Medicated with PRN meds"	None
3/26/06 @ 0255	V009933938	(1) Meperidine HCL 50 mg	Demerol 25 mg IV q 1 PRN	0300	Not documented	25 mg
3/25/06 @ 2217	V009886482	(1) Fentanyl Citrate 100 mcg /2 ml amp	Fentanyl Citrate (50 mcg) 100 mcg/2 ml amp	2220	Not documented	50 mcg
3/26/06 @ 0102	V009886482	(1) Fentanyl Citrate 100 mcg /2 ml amp	Fentanyl Citrate (50 mcg) 100 mcg/2 ml amp	0110	Not documented	50 mcg
3/26/06 @ 0328	V009886482	(1) Fentanyl Citrate 100 mcg /2 ml amp	Fentanyl Citrate (50 mcg) 100 mcg/2 ml amp	0320	Not documented	50 mcg
3/26/06 @ 0635	V009886482	(1) Fentanyl Citrate 100 mcg /2 ml amp	Fentanyl Citrate (50 mcg) 100 mcg/2 ml amp	Not documented	Not documented	50 mcg

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.

7. On or about March 25, 2006, while employed at Sid Peterson Memorial Hospital, Kerrville, Texas, Respondent withdrew narcotics, from the medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medications, as follows:

Date/Time	Patient	NarcoticRecord (Pyxis)	Physician's Order	Medication Administration Record	Nurses Notes	Waste
3/25/06 @ 0626	V009933938	(1) Meperidine HCL 50 mg	Demerol 25 mg IV q 1 PRN	0600	"Medicated with PRN meds"	None

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).

8. On or about March 25, 2006 through March 26, 2006, while employed at Sid Peterson Memorial Hospital, Kerrville, Texas, Respondent failed to document assessments of Patient J.R and Patient P.M. in the patients' medical records. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further care for and/or medicate the patient which could result in an overdose.
9. On or about March 2006, while employed at Sid Peterson Memorial Hospital, Kerrville, Texas, Respondent engaged in the intemperate use of marijuana, in that Respondent admitted to her employer that she was using marijuana. Possession of marijuana is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of illegal drugs 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 nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. The Respondent's conduct described in the preceding Findings 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 Findings of Fact numbers Six (6), Seven (7), Eight (8), and Nine (9) was significantly influenced by Respondent's 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, 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(4),(6)(G),(8),(10)(A)(C)&(E).
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 190870,

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 vocational 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 vocational nursing in the State of Texas.

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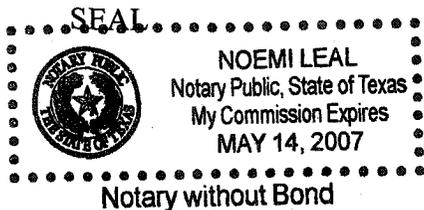
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 27 day of February, 2007.

Marianne Key
MARIANNE ELIZABETH KEY, Respondent

Sworn to and subscribed before me this 27th day of February, 2007.



Noemi Leal
Notary Public, in and for the State of TX

Approved as to form and substance.

Louis Leichter
LOUIS LEICHTER, Attorney for Respondent

Signed this 27 day of February, 2007.

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 27th day of February, 2007, by MARIANNE ELIZABETH KEY, Vocational Nurse License Number 190870, and said Order is final.

Entered and effective this 27th day of February, 2007.

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