

3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Angelina College, Lufkin, Texas, on July 7, 1991. Respondent received an Associate Degree in Nursing from Walters State Community College, Morristown, Tennessee, on May 1, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992. Respondent was licensed to practice professional nursing in the State of Texas on November 7, 2002.

5. Respondent's vocational and professional nursing employment history includes:

2/91 - 8/92	Nurse Aide	Rock Haven Nursing Center Nacogdoches, Texas
4/91 - 8/92	Nurse Aide	Americare Professionals Orange, Texas
9/92 - 3/93	GVN/LVN	Woodland Heights Medical Center Lufkin, Texas
4/93 - 9/95	LVN	Austin Regional Clinic Austin, Texas
10/95 - 4/97	LVN	Travis Physician's Association Austin, Texas
6/97 - 5/98	LVN	Gonzales Memorial Hospital Gonzales, Texas
6/98 - 4/00	LVN	Riverpark Hospital McMinnville, Tennessee
8/01 - 6/02	RN Staff Nurse	St. Thomas More Hospital Canon City, Colorado
12/02 - present	RN Staff Nurse	St. David's Medical Center Austin, Texas

6. On October 31, 2002, Respondent was issued an Eligibility Agreed Order by the Board of Nurse Examiners for the State of Texas. A copy of the October 31, 2002, Eligibility Agreed Order is attached and incorporated, by reference, as part of this Order.

7. Formal Charges were filed on June 1, 2005. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
8. Formal Charges were mailed to Respondent on June 3, 2005.
9. Respondent completed an Intensive Outpatient Chemical Dependency Treatment Program through La Hacienda's Solutions, Austin, Texas, from November 29, 2004, through January 6, 2005.
10. On August 25, 2005, Respondent completed the course entitled "Nursing in Texas: A Regulatory Foundation for Safe Practice," which would have been a requirement of this Order.
11. Respondent provided evidence of eighteen (18) negative random drug screens dating from February 3, 2005, through October 25, 2005.
12. 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 301.451-301.455, 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)(1), (9) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) and (11)(B), as amended September 28, 2004.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 691516, and Vocational Nurse License Number 139206, heretofore issued to JENNIFER LYNN MACDONALD, including revocation of Respondent's professional and vocational licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 691516, and Vocational Nurse License Number 139206, previously issued to JENNIFER LYNN MACDONALD, to practice professional and vocational nursing in Texas are hereby suspended for a period of three (3) years with the said suspension stayed and Respondent is hereby placed on probation for three (3) years with the following agreed terms of probation:

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

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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.

(1) 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-sized professional license issued to JENNIFER LYNN MACDONALD, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be 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 PRACTICE AS A REGISTERED OR VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A REGISTERED NURSE LICENSE OR A VOCATIONAL NURSE LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD.

(4) RESPONDENT SHALL notify each present employer in professional or vocational nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional or vocational nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

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

(6) For the first year of employment as a Registered or Vocational Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse 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. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

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

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, 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. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), 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 probation 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
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation 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 probation 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.

(11) 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 or vocational 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 probation period, or until RESPONDENT is dismissed from therapy.

(12) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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

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RESPONDENT'S CERTIFICATION

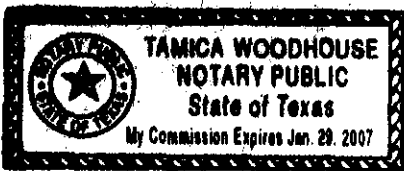
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15th day of December, 2005.

Jennifer Lynn Macdonald
JENNIFER LYNN MACDONALD, Respondent

Sworn to and subscribed before me this 15th day of December, 2005.


SEAL



Tamica Woodhouse
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 15th day of December, 2005, by JENNIFER LYNN MACDONALD, Registered Nurse License Number 691516, and Vocational Nurse License Number 139206, and said Order is final.

Effective this 19th day of January, 2006.



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

In the Matter of Permanent License § **BEFORE THE BOARD**
Number 691516, Issued to § **OF NURSE EXAMINERS**
JENNIFER LYNN MACDONALD, Respondent § **FOR THE STATE OF TEXAS**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JENNIFER LYNN MACDONALD, is a Registered Nurse holding license number 691516, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about November 23, 2004, while employed with St. David's Medical Center, Austin, Texas, Respondent engaged in the intemperate use of Hydrocodone in that she 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.

The above action constitutes a violation of Section 301.452(b)(9) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A), as amended September 28, 2004.

CHARGE II.

On or about November 23, 2004, while employed with St. David's Medical Center, Austin, Texas, Respondent failed to comply with the Eligibility Agreed Order issued to her on October 31, 2002, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Five (5) of the Eligibility Agreed Order which states, in pertinent part:

(5) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

A copy of the October 31, 2002, Eligibility Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes a violation of Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B), as amended September 28, 2004.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).


NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Eligibility Agreed Order dated October 31, 2002.

Filed this 1st day of June, 2005.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
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Attachments: Eligibility Agreed Order of the Board dated October 31, 2002.

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of	§	ELIGIBILITY
JENNIFER LYNN MACDONALD	§	
APPLICANT for Eligibility for	§	AGREED ORDER
Licensure	§	

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Temporary License/Endorsement Application and supporting documents filed by JENNIFER LYNN MACDONALD, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(b)(8), Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on September 14, 2002, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about August 21, 2002, Applicant submitted a Temporary License/Endorsement Application requesting a determination of eligibility for licensure in compliance with 301.260 *et seq.*, Texas Occupations Code.
2. Applicant waived representation, notice, administrative hearing, and judicial review.
3. Applicant graduated with an Associate Degree in Nursing from Walters State Community College, Morristown, Tennessee, in May 2001.
4. Applicant provided a "yes" answer to the inquiry authorized by Rule 213.29(b)(1) at 22 Texas Administrative Code. Question Number 10 reads: "*Have you ever had disciplinary action taken against your license by any licensing/certifying authority in any country, state province or territory?*"

5. On August 9, 2002, Applicant signed an Agreement to Participate in the Colorado Nursing Health Program and admitted to the following conduct:
 1. During the month of May 2002, Applicant diverted multiple doses of Demerol and Percocet for her own personal use;
 2. Applicant documented the removal and administration of the controlled substances; and
 3. Applicant was terminated for failure to submit a urine sample for drug testing.
6. The Board received letters of support/recommendation for Applicant from the following:
 - A letter of reference dated April 10, 1998, was submitted on behalf of Applicant by Rhea Lawlor, RN, Memorial Hospital, Gonzales, Texas.
 - A letter of reference dated March 29, 2000, was submitted on behalf of Applicant by Patrick L. Johnson, Medical Surgical Floor Manager, River Park Hospital.
7. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
8. The Executive Director considered evidence of Applicant's substance abuse as provided in §213.29, 22 Texas Administrative Code.
9. Licensure of Applicant poses no direct threat to the health and safety of patients or the public provided Applicant complies with the stipulations outlined in this Order.
10. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of the information provided by Applicant.
11. The Board has determined that the Applicant for licensure who has not been fit and sober for a period of at least five (5) continuous years [sixty (60) continuous months], poses a direct threat to the health and safety of patients and the public and should not be issued an unencumbered license.
12. Applicant has sworn that, with the exception of matters disclosed in connection with the Temporary License/Endorsement Application, her past behavior conforms to the Board's professional character requirements. Applicant presented no evidence of behavior which is inconsistent with the Board's character requirements in 22 Texas Administrative Code §213.27.
13. On September 14, 2002, the Executive Director considered evidence of Applicant's past behavior in light of the character factors set out in 22 Texas Administrative Codes §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.

14. In consideration of Applicant's past conduct and subsequent evidence of rehabilitation, the Executive Director finds that Applicant should be declared conditionally eligible to take the National Council Licensure Examination for Registered Nurses.
15. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
16. Applicant'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. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.
2. Applicant has submitted an application in compliance with Section 301.260 *et seq.*, Texas Occupations Code.
3. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.
4. The Board of Nurse Examiners may license an individual who has a history of substance abuse, after consideration of the criteria set out in 22 Texas Administrative Code §213.29, the Board determines the Applicant does not currently pose a direct threat to the health and safety of patients or the public.
5. The Board may, in its discretion, order a Applicant, upon initial licensure as a registered 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 that the application of JENNIFER LYNN MACDONALD, APPLICANT, is hereby conditionally GRANTED and shall be subject to conditions.

APPLICANT shall obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

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

IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT 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 APPLICANT wishes to work.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

(1) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a course in nursing jurisprudence. APPLICANT 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. APPLICANT 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 APPLICANT'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.

IN ADDITION, IT IS THEREFORE FURTHER AGREED and ORDERED that APPLICANT, upon initial licensure, SHALL comply with the following conditions for such a time as is required for APPLICANT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(2) APPLICANT SHALL apply to and be accepted into the TPAPN.

(3) Upon acceptance into the TPAPN, APPLICANT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(4) Upon verification by the Board of APPLICANT's acceptance into TPAPN and APPLICANT's payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas which shall bear the appropriate notation.

(5) APPLICANT SHALL comply with all requirements of the TPAPN contract during its term.

(6) APPLICANT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD APPLICANT 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 APPLICANT's license to practice professional nursing in the State of Texas.

APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Order. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN® Examination or accepting any permit or license from the Board of Nurse Examiners.

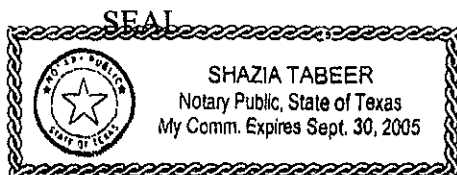
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 21 day of October, 2002.

Jennifer Lynn Macdonald
JENNIFER LYNN MACDONALD, APPLICANT

Sworn to and subscribed before me this 21 day of October, 2002.



[Signature]
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 ratify and adopt the Order of Conditional Eligibility that was signed on the 21st day of October, 2002, by JENNIFER LYNN MACDONALD, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Entered and effective this 31st day of October, 2002.



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

Attachments: Section 301.257, Texas Occupations Code
Section 301.452(a),(b) and (c), Texas Occupations Code
Section 301.453, Texas Occupations Code
Rule 213.27, 22 Texas Administrative Code
Rule 213.28, 22 Texas Administrative Code
Rule 213.29, 22 Texas Administrative Code
Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code

STATE OF COLORADO

STATE BOARD OF NURSING
Patricia F. UrIs, Program Administrator

1560 Broadway, Suite 880
Denver, Colorado 80202-5146
Phone (303) 894-2430
Fax (303) 894-2821
V/TDD (303) 894-7880
www.dora.state.co.us/nursing

Department of Regulatory Agencies
M. Michael Cooke
Executive Director

Division of Registrations
Rosemary McCool
Director



Bill Owens
Governor

July 31 2002

CONFIDENTIAL
Case Number 6303000031

Jennifer Lynn MacDonald, RN, PN
1907 Northridge Drive
Austin, TX 78723-2633

Re: Colorado nursing licenses

Dear Ms. MacDonald:

Enclosed is a copy of a complaint related to your licenses that has been filed with the Board of Nursing ("Board"). The Board is required by law to investigate all such complaints. However, the nature of the complaint suggests that you may be experiencing a problem that could possibly be addressed by participation in the Colorado Nurse Health Program (also known as the Impaired Professional Diversion Program). This program provides an alternative to the disciplinary process.

I have enclosed several items. Specifically, in addition to a copy of the complaint, I have enclosed an Agreement to Participate in the Colorado Nurse Health Program ("CNHP"); an informational sheet about the CNHP; a demographic information form; and a booklet titled Questions & Answers Concerning the Complaint Against Your License.

You have two choices, which are as follows:

1. You may choose to participate in the CNHP. If you do so, you must
 - Contact CNHP staff regarding participation requirements.
 - Sign and return the Agreement to Participate in the Colorado Nurse Health Program by August 15, 2002 [If you are currently a voluntary participant in the CNHP, you must still sign and return the Agreement to be allowed to participate in lieu of further action regarding this complaint.]
 - Complete an evaluation by CNHP within 10 days of the date of signing the Agreement.
 - Complete and return the demographic information form.
 - Have CNHP provide confirmation of a signed CNHP contract to the Board within 60 days of signing this Agreement.
2. You may choose not to participate in the CNHP. If you do so, you must
 - Respond to the enclosed complaint allegations in writing by August 30, 2002.
 - Return and complete the demographic information form.

If you choose not to participate in the CNHP process, please read the following two paragraphs very carefully.

- Please provide your account of what happened regarding the alleged violation of the Colorado Nurse Practice Act.
- If there is more than one allegation, please respond to each allegation separately, identifying it either by number (for example, "allegation #1") or by titling it (for example, "allegation regarding medication administration error on April 4, 2000").
- To facilitate an efficient and timely review, please type your response. If that is not possible, please legibly print your response (black ink on white paper is best).
- Information you may wish to include for the Board's consideration:
 - Names of witnesses, including their addresses and telephone numbers and a brief summary of what they witnessed;
 - The date and time of the incident(s);
 - Patient outcome;
 - Any employment action;

What you could have done differently or plan to do differently in the future.

If you are aware of any specific steps that have been taken to prevent future incidents of this sort, please state what those measures are, and whether they have been implemented by yourself or by the facility/ agency or both. The dates of any specific changes in practice, policy or procedure would be helpful.


Please be aware that the failure to respond in a materially factual and timely manner may constitute grounds for disciplinary action against your license pursuant to C.R.S. §12-38-117(1)(u). Please be advised that no reminder letters or other notices will be sent to you regarding this matter.

Your response should be returned to me at the address indicated on the letterhead above. Be sure to include the case number listed above on all correspondence to the Board.

Upon receipt of your response, I will forward both the complaint and your response to an inquiry panel of the Board for consideration at its next regularly scheduled meeting. The Inquiry Panel will then determine what further action, if any, is warranted. The Inquiry Panel is comprised of five Board members. Please note that you will be advised in writing of the Inquiry Panel's disposition of this complaint. Thank you for your cooperation and prompt attention to this matter.

Please contact me at (303) 894-2416 if you have any questions.

Sincerely,


ANN MARIE SONNTAG
Nurse Practice Consultant

AMS/rb

Enclosures

cc: CNHP

cc: Jennifer Lynn MacDonald, RN, PN, 320 Columbine Ave, Canon City, CO 81212

AGREEMENT TO PARTICIPATE IN THE COLORADO NURSE HEALTH PROGRAM

I, Jennifer Lynn MacDonald, am a professional nurse, license number 129890, and a practical nurse, license number 37974, in the state of Colorado. I enter into this agreement as a result of a complaint having been filed with the Colorado Board of Nursing ("Board").

I understand that by entering into this Agreement to Participate in the Colorado Nurse Health Program ("agreement") the Board will abstain from taking formal disciplinary action against my license pursuant to CRS 12-38-117 and 12-38-131 et seq.

I request the opportunity to participate in the Colorado Nurse Health Program (CNHP), also known as the Impaired Professional Diversion Program. I agree to sign a monitoring contract ("contract") with the CNHP. I agree to abide by any changes or amendments to my CNHP contract and to remain in compliance with my CNHP contract.

By entering into this agreement I am voluntarily seeking treatment for drug, alcohol, and/or for psychiatric, psychological, or emotional problems that could lead to formal disciplinary action by the board based on the complaint from Carol Imler, St. Thomas Moore Hospital, Canon City, Colorado, filed with the Board on June 25, 2002.

I admit to conduct as follows:

1. During the month of May 2002, while on duty as a professional nurse at St. Thomas Moore Hospital, I diverted multiple doses of Demerol and Percocet for my personal use.
2. I documented removing the controlled substances from the Pyxis, and giving the patients the controlled substances. The patients reported to other nurses that they did not receive controlled substances for pain as I had charted.
3. I was terminated from employment as a result of the above, and after I failed to submit a urine sample for drug testing.

My conduct violated the Nurse Practice Act as follows:

12-38-117. Grounds for Discipline. (1) "Grounds for discipline", as used in this article means any person who:

- (f) Has negligently or willfully practiced nursing in a manner which fails to meet generally accepted standards for such nursing practice;
- (h) Has falsified or in a negligent manner made incorrect entries or failed to make essential entries on patient records;

(i) Is addicted to or dependent on alcohol or habit-forming drugs, or is a habitual user of controlled substances, as defined in section 12-22-303(7), or habit-forming drugs having similar effects, or is diverting controlled substances, as defined in section 12-22-303(7), or other drugs having similar effects from the licensee's place of employment; except that the board has the discretion not to discipline the licensee if such licensee is participating in good faith in a program designed to end such addiction or dependency;

I admit that I am addicted to or dependent upon drugs, alcohol, and/or have a psychiatric diagnosis that may interfere with my ability to practice with reasonable skill and safety.

I understand that this agreement and all CNHP records shall remain confidential unless: A) a complaint arising from a different incident is referred to the Board, or B) I am referred to the Board of Nursing by the CNHP for non-compliance and/or safety to practice issues, in which event all of my records can be used in disciplinary proceedings.

I understand that this agreement and all records in possession of the Board regarding my participation in the CNHP will be destroyed pursuant to Board procedure upon written proof of successful completion of the CNHP contract and/or early discharge from the CNHP.

I enter into this agreement voluntarily, understanding that I have a right to a hearing, after the opportunity to consult with an attorney, and with full understanding of the possible ramifications of noncompliance with the CNHP contract, once signed. I understand that the Board is responsible for the protection of public health, safety, and welfare and that if the CNHP or the Board has reason to believe that I can no longer practice nursing with reasonable skill and safety, I will be referred to the Board for appropriate disciplinary action.

I agree to sign a formal monitoring contract with CNHP within 60 days. I understand that CNHP will communicate with the Board regarding the application process and will provide the date when the contract is signed and in effect. I understand that violations of the CNHP contract signed by me shall be treated as additional violations of the Nurse Practice Act (12-38-117(1)(g), violation of a Board order).

DATE:

8/9/02

NAME (printed):

Jennifer Lynn Macdonald

SIGNATURE:

Jennifer Lynn Macdonald

RE: Complaint No. 6303000031