

Respondent's professional nursing employment history continued:

1985-Unknown	Staff Nurse/Nurse Manager House Officer	Baptist Medical Center San Antonio, Texas
1990-Unknown	Per Diem Nurse	Medical Personnel Pool San Antonio, Texas
1992-6/96	Field Nurse	Medshares (Methodist Home Care) San Antonio, Texas
6/96-1/99	Unknown	
1/99-6/04	Staff Nurse	Northeast Methodist Hospital San Antonio, Texas
6/04-Present	Unknown	

6. On January 12, 1994, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 12, 1994, is attached and incorporated by reference as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Staff Nurse with Northeast Methodist Hospital, San Antonio, Texas, and had been in this position for five (5) years and five (5) months.
8. On or about June 18, 2004, through June 20, 2004, while employed with Northeast Methodist Hospital, San Antonio, Texas, Respondent withdrew Morphine Sulfate, Xanax, Norco, Ativan, Promethazine and Vicodin from the Pyxis medication dispensing system for patients, but failed to accurately and completely document the administration of the medications in the patients' Medication Administration Records (MARs) and Nurses Notes, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
6/18/04@0009	V452373081	XANAX .5MG (1)	ALPRAZOLAM .5MG PO Q6H	NO	NO	NO
6/18/04@0010	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/18/04@0011	V452373081	ATIVAN .5MG TAB(1)	LORAZEPAM .5MG TID PO	NO	NO	NO

6/18/04@0012	V452373081	ATIVAN 2MG SYR (1)	LORAZEPAM .5MG TID PO	NO	NO	NO
6/18/04@0233	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/18/04@0344	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/18/04@0440	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/18/04@0541	V452373081	XANAX .5MG (1)	ALPRAZOLAM .5MG PO Q6H	NO	NO	NO
6/18/04@0542	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/18/04@2040	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/18/04@2040	V452373081	ATIVAN .5MG TAB(1)	LORAZEPAM .5MG TID PO	NO	NO	NO
6/19/04@0632	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/20/04@2240	V452373081	PROMETHAZINE 25MG AMP (1)	NO ORDER	NO	NO	NO
6/18/04@0343	V452380884	ATIVAN 2MG INJ (1)	LORAZEPAM 2MG IV Q1H	NO	NO	NO
6/18/04@0439	V452380884	ATIVAN 2MG INJ (1)	LORAZEPAM 2MG IV Q1H	NO	NO	NO
6/18/04@2037	V452380884	ATIVAN 2MG INJ (1)	LORAZEPAM 2MG IV Q1H	NO	NO	NO
6/19/04@0342	V452380884	ATIVAN 2MG INJ (1)	LORAZEPAM 2MG IV Q1H	NO	NO	NO
6/19/04@0631	V452380884	ATIVAN 2MG INJ (1)	LORAZEPAM 2MG IV Q1H	NO	NO	NO
6/18/04@0012	V452382395	ATIVAN 2MG INJ (1)	LORAZEPAM 1-2MG IV Q 1-2 HRS PRN	NO	NO	NO

6/18/04@0233	V452382395	ATIVAN 2MG INJ (1)	LORAZEPAM 1-2MG IV Q 1-2 HRS PRN	NO	NO	NO
6/18/04@0343	V452382395	ATIVAN 2MG INJ (1)	LORAZEPAM 1-2MG IV Q 1-2 HRS PRN	NO	NO	NO
6/18/04@0438	V452382395	ATIVAN 2MG INJ (1)	LORAZEPAM 1-2MG IV Q 1-2 HRS PRN	NO	NO	NO
6/18/04@2039	V452382395	ATIVAN 2MG INJ (1)	LORAZEPAM 1-2MG IV Q 1-2 HRS PRN	NO	NO	NO
6/18/04@2038	V452384604	VICODIN TAB 5/500 (1)	VICODIN 5/500 1 TAB PO Q4H	NO	NO	NO

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

9. On or about June 18, 2004, through June 20, 2004, while employed with Northeast Methodist Hospital, San Antonio, Texas, Respondent withdrew Morphine Sulfate, Xanax, Norco, Ativan, Promethazine and Vicodin from the Pyxis medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medications. 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).
10. On or about June 18, 2004, through June 20, 2004, while employed with Northeast Methodist Hospital, San Antonio, Texas, Respondent withdrew Xanax, Norco, Ativan, and Promethazine from the Pyxis medication dispensing system for patients which was in excess frequency and/or dosage of the physician's order, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
6/18/04@0009	V452373081	XANAX .5MG (1)	ALPRAZOLAM .5MG PO Q6H	NO	NO	NO
6/18/04@0541	V452373081	XANAX .5MG (1)	ALPRAZOLAM .5MG PO Q6H	NO	NO	NO
6/18/04@0010	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/18/04@0233	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO

6/18/04@0344	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/18/04@0440	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/18/04@0542	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/19/04@0632	V452373081	NORCO 10/325 (2)	NORCO 10/325 1-2 TABS PO Q4H PRN	NO	NO	NO
6/20/04@2240	V452373081	PROMETHAZINE 25MG AMP (1)	NO ORDER	NO	NO	NO
6/18/04@0233	V452382395	ATIVAN 2MG INJ (1)	LORAZEPAM 1-2MG IV Q 1-2 HRS PRN	NO	NO	NO
6/18/04@0343	V452382395	ATIVAN 2MG INJ (1)	LORAZEPAM 1-2MG IV Q 1-2 HRS PRN	NO	NO	NO
6/18/04@0438	V452382395	ATIVAN 2MG INJ (1)	LORAZEPAM 1-2MG IV Q 1-2 HRS PRN	NO	NO	NO

Respondent's conduct was likely to injure the patients in that the administration of Xanax, Norco, Ativan, and Promethazine in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

11. On or about June 18, 2004, through June 20, 2004, while employed with Northeast Methodist Hospital, San Antonio, Texas, Respondent misappropriated Morphine Sulfate, Xanax, Norco, Ativan, Promethazine and Vicodin belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the costs of the medications.
12. On or about June 20, 2004, while employed with Northeast Methodist Hospital, San Antonio, Texas, Respondent withdrew Promethazine from the Pyxis medication dispensing system for Patient Medical Record Number V452373081 without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Promethazine without a valid physician's order could result in the patient suffering from adverse reactions.
13. On or about June 21, 2004, while employed with Northeast Methodist Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of Butalbital as evidenced by

a positive drug screen. Possession of Butalbital is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Butalbital 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.

14. On or about June 2004, while employed with Northeast Methodist Hospital, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that Respondent was suffering from Manic Depression. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
15. 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.
16. The Board finds that there exists serious risks to public health and safety due to intemperate use of controlled substances or chemical dependency.
17. Formal Charges were filed on August 12, 2005.
18. Formal Charges were mailed to Respondent on August 15, 2005.
19. 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1),(3),(4),(12),(18)&(19).
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 254641, heretofore issued to DEBORAH A. TIJERINA, 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, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) 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 professional 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 professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

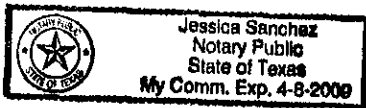
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 31 day of October, 2005.

Deborah A. Tijerina
DEBORAH A. TIJERINA, Respondent

Sworn to and subscribed before me this 31 day of October, 2005.

SEAL



Jessica Sanchez
Notary Public in and for the State of TEXAS

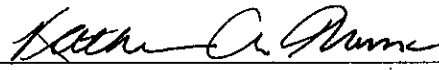
Approved as to form and substance.

John Legris
JOHN LEGRIS, Attorney for Respondent

Signed this 31 day of October, 2005.

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 31st day of October, 2005, by DEBORAH A. TIJERINA, Registered Nurse License Number 254641, and said Order is final.

Entered and effective this 3rd day of November, 2005.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 254641 issued to §
DEBORAH A. TIJERINA §

CONCISE ORDER

Following receipt of information, a hearing was held on October 20, 1993, at the office of the Board of Nurse Examiners, hereinafter referred to as the Board, in accordance with Article 4525(b), Revised Civil Statutes of Texas, as amended. DEBORAH A. TIJERINA, license number 254641, hereinafter referred to as Respondent, was in attendance. The Executive Director of the Board presided at the hearing and makes the following:

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent, while employed at Baptist Medical Center, San Antonio, Texas, falsified time sheets and payroll records from December, 1992 to March, 1993.
3. Respondent desires to continue her career in professional nursing.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter.
2. Based upon the evidence received, Respondent is in violation of Article 4525(a)(9), Revised Civil Statutes of Texas, as amended.
3. The evidence presented constitutes sufficient evidence to take action under powers granted by Article 4525(n), Revised Civil Statutes of Texas, as amended.

RESPONDENT'S STATEMENT OF AGREEMENT

By signature on this Order, I agree to entry of this Order dispensing with the need for further disciplinary action in this matter. I understand that:

1. This Order is subject to ratification by the Board at their next regularly scheduled meeting;
2. If this Order is ratified by the Board, my license to practice professional nursing in the State of Texas will be issued a reprimand with stipulations; and
3. I have the right to legal counsel prior to entering into this Order.

I have reviewed this Order. I consent to the issuance of a reprimand on my license to practice professional nursing in the State of Texas.

I agree to return my current certificate of re-registration (wallet size) to the office of the Board for appropriate notation within ten (10) days of the date of entry of the Board Order.

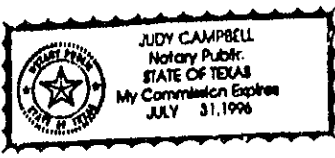
I further consent to adhere to the following stipulations for one (1) year:

(1) RESPONDENT shall, within one (1) year of entry of this Order, successfully complete a three (3) semester hour academic course in Legal/Ethical Issues of Nursing. RESPONDENT shall obtain Board approval of course prior to enrollment. RESPONDENT shall cause the sponsoring institution to submit a Verification of Completion form to verify RESPONDENT's successful completion of the course.

Dated the 1 day of Nov, 1993

Deborah A. Tijerina
DEBORAH A. TIJERINA

Sworn to before me this 14th day of December, 1993.



Notary Public Judy Campbell
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 Consent Order signed by DEBORAH A. TIJERINA, license number 254641, on the 1th day of November, 1993, and said Order is final.

Entered this 12th day of January, 1994.

Louise Waddill
Louise Waddill, Ph.D., R.N.
Executive Director on behalf of said Board