



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Stephanie C. Williams*  
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Permanent Certificate           §  
Number 534087 issued to                           §           AGREED ORDER  
PEGGY MCELHEARN WARD                         §

An investigation by the Board produced evidence indicating that PEGGY MCELHEARN WARD, hereinafter referred to as Respondent, may have violated Article 4525(b)(8) & (9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on June 30, 1998, at the office of the Board of Nurse Examiners, in accordance with Article 4524C, Revised Civil Statutes of Texas, as amended.

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 Anne Garrett, Ph.D., RN, Executive Director's Designee; J. Kent Black, General Counsel; Anthony L. Diggs, MSCJ, Director of Investigations; Deborah Watson, RN, Investigator and Noemi Leal, Senior 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 Texas.
4. Respondent received an Associate Degree in Nursing from Grayson County College, Denison, Texas in August 1986.

5. Respondent's professional employment history includes:

July 1986 to January 1996	Staff Nurse Medical Plaza Hospital Sherman, Texas
April 1996 to September 1996	Staff Nurse Sherman Nursing Center Sherman, Texas
January 1997 to Present	Staff Nurse Wilson N. Jones Hospital Sherman, Texas

6. At the time of the incidents listed in findings of fact numbers seven (7) and eight (8), Respondent was employed as a Staff Nurse with Medical Plaza Hospital, Sherman, Texas and had been in this position for seven (7) years and nine (9) months.
7. Respondent, while employed with Medical Plaza Hospital, Sherman, Texas, during April 1994, misappropriated Nubain belonging to the aforementioned facility and the patients thereof. Respondent's conduct defrauded the facility and the patients of the cost of the medication.
8. Respondent, while employed with the aforementioned facility, during April 1994, engaged in the intemperate use of Nubain. Possession of Nubain is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Nubain 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.
9. Respondent, while employed with the aforementioned facility, during December 1995, misappropriated Nubain belonging to the aforementioned facility and the patients thereof. Respondent's conduct defrauded the facility and the patients of the cost of the medication.
10. Respondent, while employed with the aforementioned facility, on or about December 26, 1995, engaged in the intemperate use of Nubain. Respondent produced a specimen for a drug screen which resulted positive for Nalbuphine (Nubain). Possession of Nubain is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Nubain 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.

### CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, 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)(8) & (9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1) & (15).
4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against license number 534087, heretofore issued to PEGGY MCELHEARN WARD.
5. Under Article 4525.1(c), Revised Civil Statutes of Texas, as amended, the Board has the authority to accept the voluntary surrender of a license.
6. Under Article 4525.1(d), Revised Civil Statutes of Texas, as amended, the Board may impose conditions for reinstatement of licensure.

### AGREED SANCTIONS

IT IS THEREFORE AGREED, that the voluntary surrender of license number 534087, heretofore issued to PEGGY MCELHEARN WARD to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to Peggy McElhearn Ward, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement until she can provide evidence of five (5) years of consecutive sobriety.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

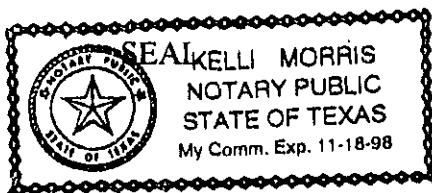
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Agreed Sanctions, and any conditions stated in this Order to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy

will be mailed to me. *I also swear that I lost my wallet size license in May 1998*

Signed this 4 day of August, 1998.

*Peggy McElhearn Ward*  
PEGGY MCELHEARN WARD, Respondent

Sworn to and subscribed before me this 4 day of August, 1998.



*Kelli Morris*

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing license number 534087, previously issued to PEGGY MCELHEARN WARD.

Effective this 12th day of August, 1998.



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