BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Registered Nurse License Number 603237	§	AGREED
issued to SALLY LYN BALLENTINE	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of SALLY LYN BALLENTINE, Registered Nurse License Number 603237, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10) & (12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 3, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Valencia Community College, Orlando, Florida, on April 1, 1991. Respondent originally became licensed to practice professional nursing in the State of Texas on May 2, 1994.

5. Respondent's professional nursing employment history includes:

June 1994 - February 1998	Unknown

Respondent's professional nursing employment history continued:

March 1998 - October 2001	RN Orlando Regional Healthcare System Orlando, Florida
January 2001 - May 2001	RN Naples Community Hospital Naples, Florida
May 2001 - September 2001	RN Southwest Regional Medical Center Fort Myers, Florida
September 2001 - May 2002	RN North Collier Hospital Naples, Florida
October 2001 - December 2001	RN Favorite Nurses Orlando, Florida
June 2002 - July 2002	Unknown
August 2002 - December 2002	RN Private Duty Orlando, Florida
February 2003 - August 2004	RN Osteopathic Medical Center Fort Worth, Texas
September 2004 - February 2005	Unknown
March 2005 - May 2005	RN Kindred Hospital Arlington, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Osteopathic Medical Center, Fort Worth, Texas, and had been in this position for ten (10) months.

7. On or about December 25, 2003, while employed with Osteopathic Medical Center of Texas, Fort Worth, Texas, Respondent engaged in the intemperate use of Benzodiazepines in that she produced a specimen for a drug screen which resulted positive for Benzodiazepines, and she admitted to the use of Valium without a valid prescription. Possession of Benzodiazepines is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Benzodiazepines by a Registered Nurse, while subject to call or duty, 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.

8. On or about December 25, 2003, while employed with Osteopathic Medical Center of Texas, Fort Worth, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited slurred speech, appeared confused, and a smell of alcohol was detected about her person. Respondent also admitted to having consumed too much alcohol the previous day. 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.

9. On or about July 30, 2004, while employed with Osteopathic Medical Center of Texas, Fort Worth, Texas, Respondent lacked fitness to practice professional nursing in that she was observed to be stumbling and appearing confused. The smell of alcohol was detected about her person and she admitted to have been drinking alcohol. 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.

10. On or about June 21, 2005, Respondent engaged in the intemperate and/or unlawful use of alcohol in that she produced a specimen for a random drug screen which resulted positive for alcohol. The use of alcohol by a Registered Nurse, while subject to call or duty, 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.

11. 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.

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.

13. Respondent's conduct described in Findings of Fact Numbers Seven (7), Eight (8), Nine (9) and Ten (10) was significantly influenced by Respondent's dependency on chemicals.

14. 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) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(12).

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 603237, heretofore issued to SALLY LYN BALLENTINE, 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.

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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4 day of April, 20 06

Sally Lyn Ballentine

SALLY LYN BALLENTINE, Respondent

Sworn to and subscribed before me this 4 day of April, 20 04.

SEAL

Notary Public in and for the State of TX

JAMAR JOHNSON
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 02-22-09

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 4th day of April, 20 06, by SALLY LYN BALLENTINE, Registered Nurse License Number 603237, and said Order is final.

Entered and effective this 7th day of April, 20 06.

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