

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 588438 § AGREED
issued to LORI GISELLE FOSTER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LORI GISELLE FOSTER, Registered Nurse License Number 588438, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 5, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 a Baccalaureate Degree in Nursing from Houston Baptist University, Houston, Texas, on November 13, 1992. Respondent was licensed to practice professional nursing in the State of Texas on March 23, 1993.
5. Respondent's professional nursing employment history includes:

March 1993 - August 1993 Staff RN
The Methodist Hospital
Houston, Texas

Respondent's professional nursing employment history continued:

September 1993 - August 1996	Charge RN/Interim Nurse Manager Memorial Hermann Healthcare The Woodlands, Texas
September 1996 - October 1996	Unknown
November 1996 - April 1997	RN Supervisor HealthCor, Inc. Houston, Texas
June 1997 - May 1998	Charge RN Institute for Rehabilitation & Research Houston, Texas
June 1998 - July 1998	Unknown
August 1998 - February 1999	RN/Independent Legal Consultant Medical Research Consultants, Inc. Houston, Texas
March 1999 - December 1999	Staff RN Cypress Fairbanks Medical Center Houston, Texas
December 1999 - April 2002	Staff RN Summit Hospital Austin, Texas
April 2002 - September 2002	Staff RN Georgetown Healthcare System Georgetown, Texas
October 2002 - December 2002	Unknown
January 2003 - March 2003	Agency RN LK Jordan & Associates Austin, Texas
May 2003 - December 2003	Staff RN Capital Nursing and Rehabilitation Austin, Texas

Respondent's professional nursing employment history continued:

December 2003 - May 2007 Staff RN
 Seton Shoal Creek Psychiatric Hospital
 Austin, Texas

June 2007 - Present Unknown

6. On February 20, 2003, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated February 20, 2003, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Seton Shoal Creek Psychiatric Hospital, and has been in this position for three (3) years and five (5) months.
8. On or about April 20, 2007, to May 3, 2007, while employed with Seton Shoal Creek Psychiatric Hospital, Austin, Texas, Respondent removed Hydromorphone from the Omni Cell medication dispensing system for patients without valid physicians orders as follows:

Omnicell Report Date & Time	Pt. Initials & MR #	Medication Pulled & Qty.	Physician's Order	MAR	Wastage
4/20/07 0750	S.P. 74804	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/23/07 0639	W.F. 83680	Hydromorphone 2mg/1ml Inj. (1)	None (pt. DC 4/16/07)	No documentation	None
4/23/07 0819	B.G. 84771	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/23/07 1149	B.G. 84771	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/23/07 1358	D.H. 79386	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/24/07 0925	J.G. 84740	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None

4/24/07 1357	J.G. 84740	Hydromorphone 2mg Tab (1)	None	No documentation	None
4/24/07 1205	M.J. 60377	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/24/07 0643	S.P. 74804	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/25/07 0751	C.G. 70706	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/25/07 0643	S.K. 79975	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/26/07 0850	T.F. 63985	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/26/07 1517	M.S. 76527	Hydromorphone 2mg Tab (1)	None (pt. DC 4/23/07)	No documentation	None
4/26/07 1517	L.S. 84790	Hydromorphone 2mg Tab (1)	None	No documentation	None
4/26/07 0643	T.D. 84822	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/26/07 1103	T.D. 84822	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/29/07 1109	T.D. 84822	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/30/07 0646	M.G. 84844	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/30/07 1459	L.B. 84831	Hydromorphone 2mg Tab (1)	None (pt. DC order signed @ 0850)	No documentation	None
4/30/07 0848	B.M. 84821	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None

4/30/07 1504	S.B. 80871	Hydromorphone 2mg/1ml Inj. (1)	None (pt. DC order signed @ 1205)	No documentation	None
4/30/07 0646	J.D. 72431	Hydromorphone 2mg/1ml Inj. (1)	None (pt. DC 4/25/07)	No documentation	None
4/30/07 1132	N.C. 84849	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
4/30/07 1415	E.T. 84841	Hydromorphone 2mg Tab (1)	None	No documentation	None
5/1/07 1429	R.B. 79595	Hydromorphone 2mg Tab (1)	None	No documentation	None
5/1/07 1543	R.B. 79595	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
5/1/07 1034	S.M. 84845	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
5/1/07 1312	M.J. 60377	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
5/1/07 0731	C.C. 84864	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
5/1/07 0641	K.M. 63447	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
5/2/07 1158	M.H. 73125	Hydromorphone 2mg Tab (2)	None	No documentation	None
5/2/07 0636	T.D. 84822	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
5/2/07 0703	T.D. 84822	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
5/3/07 0652	J.W. 84316	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
5/3/07 1105	C.C. 84864	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None

5/3/07 1104	A.H. 74876	Hydromorphone 2mg Tab (1)	None	No documentation	None
5/3/07 1108	A.H. 74876	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None
5/3/07 1408	A.H. 74876	Hydromorphone 2mg/1ml Inj. (1)	None	No documentation	None

Respondent's conduct was likely to injure the patient in that the administration of Hydromorphone without a physician's order could result in the patient suffering from adverse reactions.

9. On or about April 20, 2007, to May 3, 2007, while employed with Seton Shoal Creek Psychiatric Hospital, Austin, Texas, Respondent removed Hydromorphone from the Omni Cell medication dispensing system for patients but failed to accurately and/or completely document the administration of the Hydromorphone on the patients' Medication Administration Records (MAR). Respondent's conduct 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.
10. On or about April 20, 2007, to May 3, 2007, while employed with Seton Shoal Creek Psychiatric Hospital, Austin, Texas, Respondent removed Hydromorphone from the Omni Cell medication dispensing system for patients but failed to follow the facility's policy and procedure in place for the proper wastage of any of the unused portions of the Hydromorphone. 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).
11. On or about April 20, 2007, to May 3, 2007, while employed with Seton Shoal Creek Psychiatric Hospital, Austin, Texas, Respondent misappropriated Hydromorphone 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 cost of the medications.
12. Respondent states that May 10, 2007, is her date of sobriety.
13. Regarding the conduct outlined in Findings of Fact Numbers Eight (8), Nine (9), Ten (10) and Eleven (11), Respondent states to the Board that she "regretfully removed hydromorphone from the Omni Cell Dispensing medication system that was not in compliance" with the Nursing Practice Act. Personnel documents from Seton Shoal Creek Psychiatric Hospital, Austin, Texas, indicate that Respondent was terminated after she acknowledged that she had diverted drugs and falsified medical records.

14. 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 301.451-301.555, 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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G)(H), (8), (10)(B)(C) & (11)(B).
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 588438, heretofore issued to LORI GISELLE FOSTER, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 588438, previously issued to LORI GISELLE FOSTER, to practice professional nursing in Texas is hereby SUSPENDED and said suspension is enforced until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 588438 previously issued to LORI GISELLE FOSTER, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice professional nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, upon verification of successful completion of the approved treatment program and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be stayed, and RESPONDENT will be placed on probation for three (3) years with the following agreed terms of probation:

(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 pay all re-registration fees, if applicable, and be issued a license to practice professional nursing in the State of Texas with the appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of

practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT 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 RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/about/stipscourses.html>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing 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 NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS 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 THE USE OF A REGISTERED NURSE (RN) LICENSE WILL

NOT APPLY TO THIS PROBATIONARY PERIOD:

(5) RESPONDENT SHALL notify all future employers in professional 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.

(6) 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 nurse.

(7) For the first year of employment as a Registered 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.

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN 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 RN 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.

(9) RESPONDENT SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a professional nurse.

(10) RESPONDENT SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(12) 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 nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(13) 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.**

(14) 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 next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) 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. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(15) 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 and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered 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. 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 license to practice nursing in the State of Texas, as a consequence of my noncompliance.

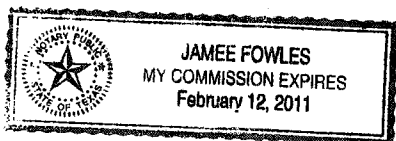
Signed this 16 day of November, 2007.

Lori Giselle Foster

LORI GISELLE FOSTER, Respondent

Sworn to and subscribed before me this 16th day of November, 2007.

SEAL



Jamee Fowles

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of November, 2007, by LORI GISELLE FOSTER, Registered Nurse License Number 588438, and said Order is final.

Effective this 17th day of January, 2008.



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 License Number 588438 § AGREED
issued to LORI GISELLE JEFFREY § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of LORI GISELLE JEFFREY, License Number 588438, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 2, 2003, 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 a Baccalaureate Degree in Nursing from Houston Baptist University, Houston, Texas, in December 1992. Respondent was licensed to practice professional nursing in the State of Texas in March 1993.
5. Respondent's professional employment history includes:

1993-1998	Unknown	
8/1998-2/1999	Contract Consultant	Medical Research Consultants Houston, Texas

Respondent's professional employment history continued:

3/1999-12/1999	Float Pool Nurse	Cypress Fairbanks Medical Center Houston, Texas
12/1999-3/2002	Charge Nurse Med/Surg	Specialty Hospital Austin, Texas
3/2002-9/2002	Staff Nurse Med/Surg	Georgetown Healthcare System Georgetown, Texas

6. At the time of the initial incident, Respondent was employed as a Charge Nurse in the Medical-Surgical Unit of Specialty Hospital, Austin, Texas, and had been employed in this position for one (1) year and eleven (11) months.
7. On or about November 26, 2001, while employed at Specialty Hospital, Austin, Texas, Respondent signed out two (2) tabs of Percocet from the Controlled Substance Administration Record for patient Medical Record Number 0177. Respondent failed to document the administration of the Percocet in the patient's Medication Administration Record. Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
8. On or about November 26, 2001, while employed at the aforementioned facility, Respondent signed out 15mg of Restoril from the Controlled Substance Administration Record for patient Medical Record Number 0083. Respondent failed to document the administration of the Restoril in the patient's Medication Administration Record. Respondent's conduct above was likely to injure the patient, in that subsequent care givers would rely on her documentation to further medicate the patient which would result in an overdose.
9. On or about January 21, 2002, while employed at the aforementioned facility, Respondent failed to document the administration of Levaquin 250 mg tablet at 0700 in the Medication Administration Record of patient Medical Record Number 2933. Respondent's failure to document the administration of Levaquin exposed the patient unnecessarily to a risk of harm in that the physician, the facility and other staff members would rely on the medical record to make treatment decisions and further medicate the patient.

10. On or about January 21, 2002, while employed at the aforementioned facility, Respondent failed to document the administration of Viscous Lidocaine at 0730 in the Medication Administration Record of patient Medical Record Number 2935. Respondent's failure to document the administration of Viscous Lidocaine exposed the patient unnecessarily to a risk of harm in that the physician, the facility, and other staff members would rely on the medical record to make treatment decisions and further medicate the patient.
11. On or about January 29, 2002, while employed at the aforementioned facility, Respondent withdrew two (2) Lortabs 7.5 mg from the Controlled Substance Administration record for patient "D", but failed to follow the policy and procedure for wastage. Respondent stated she took the medications home in her pocket. Respondent's conduct was likely to deceive the hospital pharmacy and place them in violation of Chapter 481 of the Texas Health and Safety Code.(Controlled Substances Act).
12. On or about March 15, 2002, while employed at the aforementioned facility, Respondent failed to document the administration of Accolate, Humabid LA, and Ferrous Sulfate in the Medication Administration Record of patient Medical Record Number 3010. Respondent's failure to document the administration of medications exposed the patient unnecessarily to a risk of harm in that the physician, the facility and other staff members would rely on the medical record to make treatment decisions and further medicate the patient.
13. At the time of the incident in Finding of Fact number fourteen (14), Respondent was employed as a Staff Nurse in the Medical-Surgical Unit of Georgetown Healthcare System, Georgetown, Texas, and had been in this position for six (6) months.
14. Respondent, on or about September 12, 2002, while employed at Georgetown Healthcare System, Georgetown, Texas, Respondent engaged in the intemperate use of opiates in that Respondent produced a specimen for a drug screen which resulted positive for opiates. Possession of opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of opiates 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.
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 as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

17. 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 violation of Section 301.452(b)(9),(10)&(13), 22 TEX. ADMIN. CODE §217.11 (1)&(4), and 22 TEX. ADMIN. Code §217.12 (1),(4),(18)&(20).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 588438, heretofore issued to LORI GISELLE JEFFREY 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.

(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 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 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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CONTINUED ON NEXT PAGE.

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, 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.

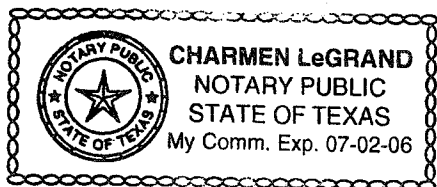
Signed this 11 day of February, 2003.

Lori Giselle Jeffrey
LORI GISELLE JEFFREY, Respondent

Sworn to and subscribed before me this 11 day of February, 2003.

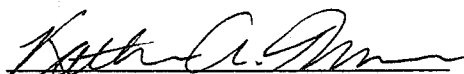
SEAL

Charmen LeGrand
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 accept and enter the Agreed Order that was signed on the 11th day of February, 2003, by LORI GISELLE JEFFREY, License Number 588438, and said Order is final.

Entered and effective this 20th day of February, 2003.



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