

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 612144 § AGREED
issued to CYNTHIA ELAINE BEAN § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of CYNTHIA ELAINE BEAN, License Number 612144, 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 November 21, 2002, 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 McLennan Community College, Waco, Texas, in May 1993. Respondent was licensed to practice professional nursing in the State of Texas in January 1995.

5. Respondent's professional employment history includes:

1/95 - 3/95	Unknown	
3/95 - 3/00	Staff Nurse	Charter Hospital Austin, Texas
7/98 - 7/00	Research Coordinator	Community Clinical Research Austin, Texas
4/00 - 7/00	Staff Nurse	Central Texas Medical Center
7/00 - 9/02	Staff Nurse	Summit Hospital of Central Texas Leander, Texas
9/02 - present	Unknown	

6. On August 27, 1991, Respondent was issued an Agreed Order by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the August 27, 1991, Agreed Order is attached and incorporated, by reference, as part of this Order.
7. On or about October 20, 1994, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas. A copy of the October 20, 1994, Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
8. At the time of the incident, Respondent was employed as a Staff Nurse with Summit Hospital of Central Texas, Leander, Texas, and had been in this position for two (2) years and two (2) months.
9. On or about September 10, 2002, while employed as a Staff Nurse with Summit Hospital of Central Texas, Leander, Texas, Respondent exhibited impaired behavior while on duty, including, but not limited to: disappearance from her assignment for long periods of time; sleeping while on duty; inability to walk without support; and slurred speech. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. On or about September 10, 2002, while employed as a Staff Nurse with Summit Hospital of Central Texas, Leander, Texas, Respondent tampered with containers of Demerol, Morphine and Ativan, in that she withdrew the medications into syringes (for her own personal use) and replaced the containers with water. Respondent's conduct was likely to injure patients who would not benefit from the medications prescribed for their pain management regime.
11. On or about September 10, 2002, while employed as a Staff Nurse with Summit Hospital of Central Texas, Leander, Texas, Respondent misappropriated Demerol, Morphine and Ativan from the facility and the patients thereof. Respondent's conduct defrauded the hospital and the patients thereof of the cost of the medications.
12. 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.
13. 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.
14. Respondent's conduct described in Findings Numbers Nine (9) through Eleven (11) resulted from Respondent's impairment by dependency on chemicals.
15. 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) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), (12) & (19).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 612144, heretofore issued to CYNTHIA ELAINE BEAN, 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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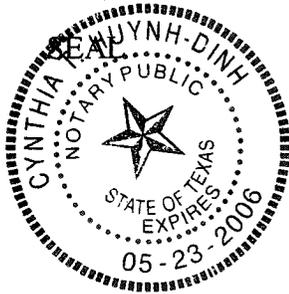
RESPONDENT'S CERTIFICATION

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 9th day of December, 2002

Cynthia Elaine Bean
CYNTHIA ELAINE BEAN, Respondent

Sworn to and subscribed before me this 9th day of December 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 accept and enter the Agreed Order that was signed on the 9th day of December, 2002 by 612144, License Number CYNTHIA ELAINE BEAN, and said Order is final.

Entered and effective this 19th day of December, 2002.



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 Cynthia Elaine Bean
Applicant for Eligibility for
Licensure

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AGREED ORDER

A public meeting was held on October 20, 1994, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners, at 9101 Burnet Road, Suite 104, Austin, Texas, the application of Cynthia Elaine Bean, hereinafter referred as Applicant, was considered.

In attendance were: Robert J. Provan, J.D., Board Member; Roselyn Holloway, M.S.N., R.N., Board Member; Doris Price-Nealy, M.S.N., R.N., Board Member; Louise Waddill, Ph.D., R.N., Executive Director; Penny Puryear Burt, J.D., R.N., General Counsel; Cheryl Sepulveda, Legal Secretary; Suzie Bean, Applicant's mother; and the Applicant who appeared in person and was not represented by legal counsel.

FINDINGS OF FACT

1. Notice was sent in accordance with law.
2. Applicant waived representation, notice and hearing.
3. On or about May 14, 1993, Applicant met all requirements for graduation from McLennan Community College, Waco, Texas, which prepared her for initial licensure as a professional nurse in the State of Texas.
4. On or about May 24, 1993, Applicant filed an application for Registration by Examination for Graduates of Schools in the United States.
5. The staff of the Board of Nurse Examiners reviewed the application and supporting documentation provided by the Applicant; and, on or about June 28, 1993, proposed to find Applicant ineligible for licensure as a professional nurse in the State of Texas due to the action taken by the Board of Vocational Nurse Examiners and Applicant's lack of fitness to practice professional nursing.
6. On or about September 26, 1994, Applicant successfully completed her term of probation as stipulated by the Board of Vocational Nurse Examiners.

7. On or about October 11, 1994, Applicant was notified that the Board's Eligibility and Disciplinary Committee would reconsider her application to sit for the NCLEX-RN.
8. Applicant presented evidence of current fitness sufficient to warrant licensure under the stipulations stated in this Order.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN., Article 4525(a).
2. Applicant has submitted an application in compliance with TEX. REV. CIV. STAT. ANN., Article 4519.

NOW, THEREFORE, IT IS ORDERED that Cynthia Elaine Bean be, and she is hereby, declared eligible to sit for the National Council Licensure Examination for Registered Nurses.

IT IS FURTHER ORDERED that upon attaining a passing grade on the National Council Licensure Examination for Registered Nurses, that the application of Cynthia Elaine Bean for licensure as a registered nurse in the State of Texas, shall be granted subject to the following stipulations for one (1) year.

1. Applicant shall notify each present employer (within five (5) days), if any, in nursing of this Order of the Board and the stipulation conditions on Applicant's license. Applicant shall notify all potential employers in professional nursing of the Order of the Board and the stipulation conditions on Applicant's license. Applicant shall present a copy of this Order to each potential employer prior to employment.
2. Applicant shall cause each present employer, if any, in nursing to submit the Notification of Employment form to the Board's office within ten days of notification of licensure. Applicant shall cause each potential employer to submit the Notification of Employment form to the Board's office within five days of employment as a professional nurse.
3. During Applicant's employment as a professional nurse, Applicant shall cause each employer to submit, on forms provided by the Board, periodic reports as to Applicant's capability to practice professional nursing. These reports shall be submitted to the office of the Board at the end of each three months for one year of employment as a professional nurse.

4. Applicant shall submit to random periodic screens for controlled substances and alcohol.

For the first three (3) month period, random screens are to be performed at least one per week.

For the second three (3) month period, random screens are to be performed at least once per month.

For the remainder of the stipulation/probation period, random screens are to be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Methaqualone
Barbiturates	Opiates
Benzodiazepines	Phencyclidine
Cocaine Metabolites	Propoxyphene
Hydrocodone	Meperidine
Marijuana Metabolites	Ethanol
Methadone	

All screens shall be properly monitored and production of specimen personally observed by the employer's designee. A complete chain of custody shall be maintained for each specimen obtained and analyzed.

Applicant shall cause the employer/laboratory to send the written results of each random screen to the Office of the Board within five (5) days of the date that the screen is analyzed. If any screen tests positive for alcohol and/or controlled substances for which the Applicant does not have a valid prescription, the employer/laboratory shall report such results to the Board Office on the day that the results are received by calling the Board Office and reporting the positive results to an investigator.

5. The terms of this Order can only be served while Applicant is employed as a professional nurse in a hospital, nursing home, or other clinical practice setting. Applicant shall be supervised by a professional nurse who is on the premises. Applicant shall work only on regularly assigned, identified and predetermined unit(s). Applicant shall NOT be employed by a nurse registry, temporary nurse employment agency or home health agency. Applicant shall NOT be self employed or contract for services. Multiple employers are prohibited.

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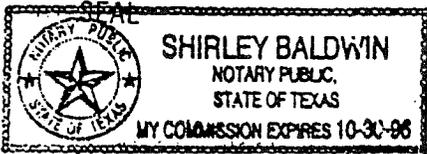
APPLICANT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Terms, Stipulations and Conditions. I waive my right to a hearing and judicial review of this Order.

Signed this 8th day of November, 1994.

Cynthia Elaine Bean
Cynthia Elaine Bean

Sworn to and subscribed before me this 8th day of November, 1994.



Shirley Baldwin
Notary Public in and for the State of
Texas

Entered this 20th day of October, 1994.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

CYNTHIA E. BEAN

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 099861, previously held by CYNTHIA E. BEAN, hereinafter called Applicant.

Applicant has submitted a written request for reinstatement of said previously held license. By Order dated May 24, 1984 the Board of Vocational Nurse Examiners found that Applicant had violated the Vocational Nurse Act, or a rule, regulation or Order issued under the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c.

A prehearing conference was held on August 27, 1991, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Annie Mae Parker, LVN. Applicant was present and was not represented by counsel.

The conference was attended by Cynthia Kinton, Investigator for the Board, and Sandra Weber, Assistant Attorney General. By her notarized signature on this Order, Applicant does hereby waive the right to Notice of Formal Hearing and a Formal Hearing on the Application for Reinstatement before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

After reviewing the matters relative to the Application for Reinstatement at the prehearing conference, Applicant agrees to the entry of an Order dispensing with the need for further action on this application. By Applicant's signature on this Order, Applicant acknowledges that she has read and understood this Order and has approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas Employers.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners does hereby order that license number 099861, previously issued to CYNTHIA E. BEAN be reinstated, suspended, with said suspension stayed and placed on probation for a period of three (3) years.

It is further ordered that for the first (1st) year, the license issued shall be utilized only for enrollment in class to meet the Board stipulations.

The probation of said license for the 1st year of probation is subject to the following stipulations to-wit:

1. It is ordered that Applicant must enroll in or audit and successfully complete a nursing program course encompassing the following areas of study: Pharmacology, Charting and Documentation, Clinical, and submits proof of successful course completion to the Board office in the first (1st) year. Applicant shall be responsible for locating said course(s) and obtaining approval of Board staff prior to enrollment or audit. Said course(s) shall be in-house at a community college, university, or nursing program. The expense of said course shall be borne by Applicant.
2. That Applicant shall attend A.A. and/or N.A. and shall cause her program sponsor/counselor to submit satisfactory quarterly reports to the Board office throughout the term of probation.

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3. That Applicant shall submit to random periodic blood alcohol and urine drug screens upon demand of the Board staff. Said screens shall be properly monitored with adherence to chain of custody procedure. The results of said screens shall be submitted to the Board office by the laboratory. The expense of said screens shall be borne by Applicant.

4. That Applicant shall obtain counseling and cause her counselor to submit satisfactory reports to the Board office on a quarterly basis for the entire term of probation.

5. That Applicant shall not be employed in nursing for the first (1st) year of probation.

The remaining two (2) years of probation, the license will be subject to the following stipulations:

1. That Applicant shall cause her nursing employer(s) to submit satisfactory reports to the Board office on a monthly basis throughout the second (2nd) year of probation and on a quarterly basis on the third (3rd) year of probation.

2. That Applicant shall not be employed by a nurse registry/temporary nurse agency or as a private duty nurse for the last two (2) years of said probation.

3. That Applicant shall work only under the direct supervision of a licensed medical professional for the last two (2) years of said probation.

4. That Applicant shall not work in an autonomous nursing position for the last two (2) years of said probation.

5. That Applicant shall not carry keys to controlled drugs the second (2nd) year of probation.

6. That Applicant shall attend A.A. and/or N.A. and shall cause her program sponsor/counselor to submit satisfactory quarterly reports to the Board office throughout the entire term of probation.

7. That Applicant shall submit to random periodic blood alcohol and urine drug screens upon demand of the Board staff. Said screens shall be properly monitored with adherence to chain of custody procedure. The results of said screens shall be submitted to the Board office by the laboratory. The expense of said screens shall be borne by Applicant.

8. That Applicant shall obtain counseling and cause her counselor to submit satisfactory reports to the Board office on a quarterly basis throughout the entire term of probation. The expense of said counseling shall be borne by Applicant.

9. That any period(s) of unemployment must be documented in writing by Applicant and submitted directly to the Board office on a quarterly basis throughout the term of probation.

10. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately.

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It is also ordered that CYNTHIA E. BEAN shall comply with all the provisions of Article 4528c, Revised Civil Statutes of Texas.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Agreed to this the 27th day of August, 1991.

Cynthia E. Bean
Signature of Applicant

3310 Hucker Lane
Current Address

Temple, TX. 76502
City, State and Zip

817, 778-1738
Area Code and Telephone Number

The State of Texas
County of Tarrant

Before me, the undersigned authority, on this day personally appeared CYNTHIA E. BEAN who being duly sworn by me stated that she executed the above for the purpose therein contained, and that she understood same.

SWORN TO AND SUBSCRIBED before me this the 27th day of August, 1991.

Alexander B. Reynolds
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 3-25-95

Marjorie A. Bronk, R.N.
Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

AGREED BOARD ORDER
RE: CYNTHIA E. BEAN, #099361
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SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 27
day of August, 19 91.

Barbara B. Reynolds
NOTARY PUBLIC, IN AND FOR
THE STATE OF TEXAS
My Commission Expires 3-25-95