

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 169727 § AGREED
issued to CRISCELDA MARIE CARRERA § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of CRISCELDA MARIE CARRERA, Vocational Nurse License Number 169727, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(9) and (10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on June 10, 2004, 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 informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from El Paso Community College, El Paso, Texas, on August 14, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on October 14, 1998.
5. Respondent's complete vocational nursing employment history is unknown.
6. At the time of the incidents, Respondent was employed as a Licensed Vocational Nurse with El Paso Nursing Services, El Paso, Texas, and had been in this position for approximately eight (8) months.

7. On or about September 12, 2001, while employed as a Licensed Vocational Nurse with El Paso Nursing Services, El Paso, Texas, Respondent plead NOLO CONTENDERE to the State Jail Felony offense of POSSESSION OF A CONTROLLED SUBSTANCE P.G. 1 < 1G (HSC 481.115), in the 384th District Court of El Paso County, Texas, under Cause No. 20010D00702. As a result of the NOLO CONTENDERE plea, the proceedings against Respondent were Deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of four (4) years. Additionally, Respondent was ordered to pay a \$500.00 fine (PROBATED), and court costs.
8. On or about September 12, 2001, while employed as a Licensed Vocational Nurse with El Paso Nursing Services, El Paso, Texas, Respondent plead NOLO CONTENDERE to the State Jail Felony offenses of COUNTS I & II - INJURY TO A CHILD BODILY INJURY (TPC 22.04), in the 384th District Court of El Paso County, Texas, under Cause No. 20010D03699. As a result of the NOLO CONTENDERE plea, the proceedings against Respondent were Deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of four (4) years (to run concurrent with the probation granted under Cause No. 20010D00702). Additionally, Respondent was ordered to pay a \$500.00 fine (PROBATED), and court costs.
9. On or about February 5, 2002, Respondent submitted to a Psychological Evaluation conducted by Rodolfo Basurto, Ph.D., LSSP, El Paso, Texas. Respondent was requested to submit to the evaluation by the family court system in El Paso, Texas, due to visitation/custody issues that Respondent was having regarding her children, and her ex-husband. During the evaluation, Respondent reported having first attempted suicide at age fifteen (15), due to problems at home. She attempted to overdose on her asthma medication. She reported that during 1999, she tried to commit suicide a second time by taking an overdose of pills, and that her suicide attempt resulted from the death of her grandmother. After the suicide attempt, she was admitted into an in-patient program at Columbia Behavioral Center for two (2) weeks. She received one (1) week of out-patient services following her in-patient treatment. At the time of the February 5, 2002, evaluation, Respondent was being monitored by the New Mexico State University Health Clinic. She was taking Zoloft 100mg and she was prescribed Paxil for anxiety. At the time of the evaluation, Dr. Basurto's Diagnostic Impression of Respondent included: Dysthymic Disorder, PTSD, and Borderline Personality Traits. Dr. Basurto recommended that Respondent attend family counseling to help her learn to set appropriate boundaries and limits; that she continue receiving treatment for depression by her psychiatrist; and that because she had experienced much trauma in her life, especially with men, she continue therapy to clarify her anger and to develop coping strategies in dealing with her frustration/stress.
10. On or about September 5, 2002, Respondent submitted to a Psychiatric Evaluation conducted by J. Raul Jimenez, M.D., Alternatives Centre for Behavioral Health, El Paso, Texas. Respondent was requested to submit to the evaluation by the El Paso Domestic Relations Office, El Paso, Texas, due to an on-going legal battle involving the custody of her children. During the evaluation, Respondent spoke of her January 31, 2001, arrest for injury to her

child and possession of Cocaine. She stated that she was placed on probation for the offenses, and lost custody of her children. She admitted at the time that she was having multiple problems in her life. She stated that she did undergo treatment for about a year and a half and that she completed anger management and domestic violence classes. She stated that at age fifteen (15) she overdosed and ended up in the hospital. She stated that during 1998, she overdosed and was at the behavioral center. She stated that during 2000, she also overdosed with pills, but that she had been quite stable for the past year and a half. She stated that she had been receiving counseling at the New Mexico State University Counseling Department, with Jesus Valenzuela in El Paso, Texas. She stated that she had been taking Zoloft 100mg per day. At the time of the evaluation, Dr. Jimenez's Diagnostic Impression of Respondent included: Adjustment Disorder with mixed emotional features, history of Dysthymic Disorder, and a history of substance abuse, basically Cocaine. Dr. Jimenez recommended that Respondent continue counseling with her current therapist, Mr. Jesus Valenzuela.

11. 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.
12. Respondent's conduct described in Findings of Fact Numbers Seven (7) and Eight (8) was significantly influenced by Respondent's impairment by dependency on chemicals.
13. 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 302.402(a)(9) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(10), (22), (27)(B), (27)(F) and (28), as amended.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 169727, heretofore issued to CRISCELDA MARIE CARRERA, including revocation of Respondent's vocational 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 three hundred-fifty dollars (\$350) 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 Chapter 301, Texas Occupations Code, the Rules and Regulations Relating to Vocational Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211 - 240 and this Order, and any amendments thereof.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice vocational 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 vocational nursing in the State of Texas.

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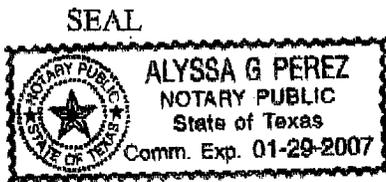
RESPONDENT'S CERTIFICATION

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

Signed this 7 day of July, 2004.

Criscelda Marie Carrera
 CRISCELDA MARIE CARRERA, Respondent

Sworn to and subscribed before me this 7th day of July, 2004.



Alyssa G. Perez
 Notary Public in and for the State of TEXAS

Approved as to form and substance.

Michael R. Milligan
 MICHAEL R. MILLIGAN, Attorney for Respondent

Signed this 7 day of July, 2004.

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 7th day of July, 2004, by CRISCELDA MARIE CARRERA, Vocational Nurse License Number 169727, and said Order is final.

Entered and effective this 9th day of July, 2004.



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