

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 178058  
ISSUED TO  
GIZELLA DIAZ

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BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE TEXAS  
BOARD OF NURSING



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.  
*Patricia R. Plummer*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Gizella Diaz  
912 Anderson Road  
Seguin, TX 78155

During open meeting held in Austin, Texas, on June 12, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 178058, previously issued to GIZELLA DIAZ, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 12th day of June, 2012.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed April 24, 2012.

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of June, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Gizella Diaz  
912 Anderson Road  
Seguin, TX 78155

BY:



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KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License  
Number 178058, Issued to  
GIZELLA DIAZ, Respondent

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BEFORE THE TEXAS  
BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GIZELLA DIAZ, is a Vocational Nurse holding license number 178058, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### CHARGE I.

On or about August 1, 2010, Respondent submitted an online renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal: "H. been arrested or have any pending criminal charges?"

Respondent failed to disclose that on or about August 30, 2009 she was arrested for the offense of "Driving While Intoxicated," a Class B Misdemeanor by the Guadalupe County Sheriff's Office, Seguin, Texas.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

#### CHARGE II.

On or about October 13, 2010 through October 19, 2010, while employed with Oakcreek Nursing and Rehabilitation, Luling, Texas, Respondent removed Xanax, Vicodin and Hydrocodone from the Medication Dispensing System for patients, but failed to accurately and/or completely document the administration of said medications in the patient's Medication Administration Records (MAR) and/or Nurse's Notes, as follows:

Controlled Substance Administration Record Date/Time	Resident Number	Medication	Physician's Orders	MAR	Wastage	Nurse's Notes
10/14/10 @ 11:20 PM	63130	Alprazolam 0.5 mg Tab (1) Q6H PRN	Xanax 0.5 MG Tab (1) PO Q6H PRN	No Documentation	None	None
10/15/10 @	Same	Alprazolam 0.5 mg Tab (1)	Xanax 0.5 MG Tab	No Documentation	None	None

0200		Q6H PRN	(1) PO Q6H PRN			
10/15/10 @ 1130	Same	Alprazolam 0.5 mg Tab (1) Q6H PRN	Xanax 0.5 MG Tab (1) PO Q6H PRN	No Documentation	None	None
10/19/10 @ 12:30 AM	Same	Alprazolam 0.5 mg Tab (1) Q6H PRN	Xanax 0.5 MG Tab (1) PO Q6H PRN	No Documentation	None	None
10/14/10 @ 11 PM	983296	Hydrocodone-Acetamin 5-500 MG Tab (1) PO TID PRN	Vicodin 5-500 Tab (1) PO TID PRN	No Documentation	None	None
10/15/10 @ 11:15 PM	Same	Hydrocodone-Acetamin 5-500 MG Tab (1) PO TID PRN	Vicodin 5-500 Tab (1) PO TID PRN	No Documentation	None	None
10/18/10 @ 11:50	Same	Hydrocodone-Acetamin 5-500 MG Tab (1) PO TID PRN	Vicodin 5-500 Tab (1) PO TID PRN	No Documentation	None	None
10/13/10 @ 1:15 AM	60261	Hydrocodone-Acetamin 5-500 mg Tab (1) PO Q8H PRN	Hydrocodone-APAP 5-500 Tab (1) PO Q8H PRN	No Documentation	None	None
10/14/10 @ 1:30 AM	Same	Hydrocodone-Acetamin 5-500 mg Tab (1) PO Q8H PRN	Hydrocodone-APAP 5-500 Tab (1) PO Q8H PRN	No Documentation	None	None
10/15/10 @ 12:05	Same	Hydrocodone-Acetamin 5-500 mg Tab (1) PO Q8H PRN	Hydrocodone-APAP 5-500 Tab (1) PO Q8H PRN	No Documentation	None	None
10/16/10 @ 0100	Same	Hydrocodone-Acetamin 5-500 mg Tab (1) PO Q8H PRN	Hydrocodone-APAP 5-500 Tab (1) PO Q8H PRN	No Documentation	None	None
10/18/10 @ 12 AM	Same	Hydrocodone-Acetamin 5-500 mg Tab (1) PO Q8H PRN	Hydrocodone-APAP 5-500 Tab (1) PO Q8H PRN	No Documentation	None	None
10/14/10 @ 11:30 PM	983304	Hydrocodone-Acetamin 7.5-325 Tab (1) PO QID PRN	Hydrocodone-APAP 7.5-325 Tab (1) PO Q6H PRN	No Documentation	None	None
10/15/10 @ 11 PM	Same	Hydrocodone-Acetamin 7.5-325 Tab (1) PO QID PRN	Hydrocodone-APAP 7.5-325 Tab (1) PO Q6H PRN	No Documentation	None	None
10/16/10 @ 0400	Same	Hydrocodone-Acetamin 7.5-325 Tab (1) PO QID PRN	Hydrocodone-APAP 7.5-325 Tab (1) PO Q6H PRN	No Documentation	None	None
10/18/10 @ 1115 PM	Same	Hydrocodone-Acetamin 7.5-325 Tab (1) PO QID PRN	Hydrocodone-APAP 7.5-325 Tab (1) PO Q6H PRN	No Documentation	None	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE

§217.11(1)(A),(1)(B)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

### CHARGE III.

On or about October 13, 2010 through October 19, 2010 while employed with Oakcreek Nursing and Rehabilitation, Luling, Texas, Respondent withdrew Xanax, Vicodin and Hydrocodone from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for the proper wastage of the unused portions of the Xanax, Vicodin and Hydrocodone, as follows:

Controlled Substance Administration Record Date/Time	Resident Number	Medication	Physician's Orders	MAR	Wastage	Nurse's Notes
10/14/10 @ 11:20 PM	63130	Alprazolam 0.5 mg Tab (1) Q6H PRN	Xanax 0.5 MG Tab (1) PO Q6H PRN	No Documentation	None	None
10/15/10 @ 0200	Same	Alprazolam 0.5 mg Tab (1) Q6H PRN	Xanax 0.5 MG Tab (1) PO Q6H PRN	No Documentation	None	None
10/15/10 @ 1130	Same	Alprazolam 0.5 mg Tab (1) Q6H PRN	Xanax 0.5 MG Tab (1) PO Q6H PRN	No Documentation	None	None
10/19/10 @ 12:30 AM	Same	Alprazolam 0.5 mg Tab (1) Q6H PRN	Xanax 0.5 MG Tab (1) PO Q6H PRN	No Documentation	None	None
10/14/10 @ 11 PM	983296	Hydrocodone-Acetamin 5-500 MG Tab (1) PO TID PRN	Vicodin 5-500 Tab (1) PO TID PRN	No Documentation	None	None
10/15/10 @ 11:15 PM	Same	Hydrocodone-Acetamin 5-500 MG Tab (1) PO TID PRN	Vicodin 5-500 Tab (1) PO TID PRN	No Documentation	None	None
10/18/10 @ 11:50	Same	Hydrocodone-Acetamin 5-500 MG Tab (1) PO TID PRN	Vicodin 5-500 Tab (1) PO TID PRN	No Documentation	None	None
10/13/10 @ 1:15 AM	60261	Hydrocodone-Acetamin 5-500 mg Tab (1) PO Q8H PRN	Hydrocodone-APAP 5-500 Tab (1) PO Q8H PRN	No Documentation	None	None
10/14/10 @ 1:30 AM	Same	Hydrocodone-Acetamin 5-500 mg Tab (1) PO Q8H PRN	Hydrocodone-APAP 5-500 Tab (1) PO Q8H PRN	No Documentation	None	None
10/15/10 @ 12:05	Same	Hydrocodone-Acetamin 5-500 mg Tab (1) PO Q8H PRN	Hydrocodone-APAP 5-500 Tab (1) PO Q8H PRN	No Documentation	None	None
10/16/10 @ 0100	Same	Hydrocodone-Acetamin 5-500 mg Tab (1) PO Q8H PRN	Hydrocodone-APAP 5-500 Tab (1) PO Q8H PRN	No Documentation	None	None
10/18/10 @ 12 AM	Same	Hydrocodone-Acetamin 5-500 mg Tab (1) PO Q8H PRN	Hydrocodone-APAP 5-500 Tab (1) PO Q8H PRN	No Documentation	None	None
10/14/10 @ 11:30 PM	983304	Hydrocodone-Acetamin 7.5-325 Tab (1) PO QID	Hydrocodone-APAP 7.5-325 Tab	No Documentation	None	None

		PRN	(1) PO Q6H PRN			
10/15/10 @ 11 PM	Same	Hydrocodone-Acetamin 7.5-325 Tab (1) PO QID PRN	Hydrocodone- APAP 7.5-325 Tab (1) PO Q6H PRN	No Documentation	None	None
10/16/10 @ 0400	Same	Hydrocodone-Acetamin 7.5-325 Tab (1) PO QID PRN	Hydrocodone- APAP 7.5-325 Tab (1) PO Q6H PRN	No Documentation	None	None
10/18/10 @ 1115 PM	Same	Hydrocodone-Acetamin 7.5-325 Tab (1) PO QID PRN	Hydrocodone- APAP 7.5-325 Tab (1) PO Q6H PRN	No Documentation	None	None

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).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

#### CHARGE IV.

On or about October 13, 2010 through October 19, 2010, while employed with Oakcreek Nursing and Rehabilitation, Luling, Texas, Respondent misappropriated Xanax, Vicodin and Hydrocodone 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(4)&(6)(G).

#### CHARGE V.

On or about October 18, 2010, while employed with Oakcreek Nursing and Rehabilitation, Luling, Texas, Respondent withdrew one (1) Morphine Sulfate 30mg ER tab for Patient Medical Record Number 7260, but failed to follow the facility's policy and procedure for the proper wastage of the unused portions of the Morphine. 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).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

#### CHARGE VI.

On or about December 9, 2010, while employed with River Gardens, New Braunfels, Texas, Respondent misappropriated one (1) card of thirty (30) Hydrocodone 10/325 mg tabs belonging to the facility or failed to take precautions to prevent such misappropriation. Respondent's conduct was

likely to defraud the facility of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(4)&(6)(G).

### CHARGE VII.

On or about December 13, 2010 through December 24, 2010, while employed with Sundance Inn Health Center, New Braunfels, Texas, Respondent removed Norco from the Medication Dispensing System for patients, but failed to accurately and/or completely document the administration of said medications in the patient's Medication Administration Record (MAR) and/or Nurse's Notes, as follows:

Controlled Substance Record Date/Time	Patient	Medication	Physician's Order	MAR	Wastage	Nurse's Notes
12/18/10 @ 12:30 AM	2009028	Hydrocodone-APAP 10MG-325M Tab (1) PO TID and (1) PO Q6H PRN	Norco 10-325 Tab (1)PO TID	No Documentation	None	None
12/13/10 @ 7 PM	2008007	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/16/10 @ 3:30 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/16/10 @ 8 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/17/10 @ 3 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/17/10 @ 7:45 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/21/10 @ 2:35 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	2:35p
12/21/10 @ 8:05 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	8:05p
12/22/10 @ 2:20 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/22/10 @ 8:45 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/23/10 @ 3 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/23/10 @ 8:30 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/24/10 @ 2:30 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/24/10 @	Same	Norco 5/325	Norco 5-325 Tab (2)	No	None	None



8 PM		mg (1) to (2) PO Q4H PRN	PO Q4H PRN Pain	Documentation		
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Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

### CHARGE VIII.

On or about December 13, 2010 through December 24, 2010, while employed with Sundance Inn Health Center, New Braunfels, Texas, Respondent removed Norco from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for the proper wastage of the unused portions of the Norco, as follows:

Controlled Substance Record Date/Time	Patient	Medication	Physician's Order	MAR	Wastage	Nurse's Notes
12/18/10 @ 12:30 AM	2009028	Hydrocodone-APAP 10MG-325M Tab (1) PO TID and (1) PO Q6H PRN	Norco 10-325 Tab (1)PO TID	No Documentation	None	None
12/13/10 @ 7 PM	2008007	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/16/10 @ 3:30 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/16/10 @ 8 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/17/10 @ 3 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/17/10 @ 7:45 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/21/10 @ 2:35 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	2:35p
12/21/10 @ 8:05 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	8:05p
12/22/10 @ 2:20 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/22/10 @ 8:45 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/23/10 @ 3 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/23/10 @ 8:30 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None
12/24/10 @	Same	Norco 5/325	Norco 5-325 Tab (2)	No	None	None

2:30 PM		mg (1) to (2) PO Q4H PRN	PO Q4H PRN Pain	Documentation		
12/24/10 @ 8 PM	Same	Norco 5/325 mg (1) to (2) PO Q4H PRN	Norco 5-325 Tab (2) PO Q4H PRN Pain	No Documentation	None	None

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).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

**CHARGE IX.**

On or about December 13, 2010 through December 24, 2010, while employed with Sundance Inn Health Center, New Braunfels, Texas, Respondent misappropriated Norco belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent was subsequently asked to produce a specimen for a drug screen, but failed to do so. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(4)&(6)(G).

**CHARGE X.**

On or about June 18, 2011 through August 18, 2011, while employed with Warm Springs Specialty Hospital at Luling, Luling, Texas, Respondent removed Norco, Dilaudid, Lortab Elixir and Morphine from the Medication Dispensing System for patients, but failed to accurately and/or completely document the administration of said medications in the patient's Medication Administration Record (MAR) and/or Nurse's Notes, as follows:

MedSelect Record Date/Time	Patient	Medication	Physician's Order	MAR	Nurse's Notes	Wastage
6/18/11 @ 6:47	20042888	Hydrocodone/APAP 10/ 325mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	6:30	6:30	None
6/18/11 @ 8:50	Same	Hydrocodone/APAP 10/ 325mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	None	None
6/18/11 @ 12:16	Same	Hydrocodone/APAP 10/ 325mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	1620	1730	None
8/9/11 @ 6:58	20043076	Hydrocodone/APAP 10/325 mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	6:30	None
8/9/11 @ 9:54	Same	Hydrocodone/APAP 10/325 mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	10:30	None
8/9/11 @ 12:40	Same	Hydrocodone/APAP 10/325 mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	None	None
8/9/11 @	Same	Hydrocodone/APAP 10/325	Norco Tab (2) PO	No	None	None

17:01		mg Tab (1) Q4H PRN	Q4H PRN	Documentation		
8/9/11 @ 12:41	Same	Hydromorphone 2mg 1 ml INJ Q2H PRN	Dilaudid INJ 1 MG IV Q2H PRN 1 ML	No Documentation	None	None
8/18/11 @ 6:25	20042952	Hydrocodone/APAP ELX 5MG 10 ML Liquid Q6H PRN	Lortab Elixer 5 MG/ 10 MG FT Q6H PRN 10 ML	No Documentation	None	None
8/18/11 @ 10:53	Same	Hydrocodone/APAP ELX 5MG 10 ML Liquid Q6H PRN	Lortab Elixer 5 MG/ 10 MG FT Q6H PRN 10 ML	Documented 1200	None	None
8/18/11 @ 9:22	Same	Morphine 2MG 1 ml INJ Q2H PRN	Mophine INJ 2 MG SQ Q2H PRN 1 ML	No Documentation	None	None
8/18/11 @ 13:23	Same	Morphine 2MG 1 ml INJ Q2H PRN	Morphine INJ 2 MG IV Q2H PRN 1 ML	No Documentation	None	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

#### CHARGE XI.

On or about June 18, 2011 through August 18, 2011, while employed with Warm Springs Specialty Hospital at Luling, Luling, Texas, Respondent withdrew Norco, Dilaudid, Lortab Elixer and Morphine from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for the wastage of the unused portions of the medications, as follows:

MedSelect Record Date/Time	Patient	Medication	Physician's Order	MAR	Nurse's Notes	Wastage
6/18/11 @ 6:47	20042888	Hydrocodone/APAP 10/ 325mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	6:30	6:30	None
6/18/11 @ 8:50	Same	Hydrocodone/APAP 10/ 325mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	None	None
6/18/11 @ 12:16	Same	Hydrocodone/APAP 10/ 325mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	1620	1730	None
8/9/11 @ 6:58	20043076	Hydrocodone/APAP 10/325 mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	6:30	None
8/9/11 @ 9:54	Same	Hydrocodone/APAP 10/325 mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	10:30	None
8/9/11 @ 12:40	Same	Hydrocodone/APAP 10/325 mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	None	None
8/9/11 @ 17:01	Same	Hydrocodone/APAP 10/325 mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	None	None
8/9/11 @	Same	Hydromorphone 2mg 1 ml	Dilaudid INJ 1 MG	No	None	None

12:41		INJ Q2H PRN	IV Q2H PRN 1 ML	Documentation		
8/18/11 @ 6:25	20042952	Hydrocodone/APAP ELX 5MG 10 ML Liquid Q6H PRN	Lortab Elixer 5 MG/ 10 MG FT Q6H PRN 10 ML	No Documentation	None	None
8/18/11 @ 10:53	Same	Hydrocodone/APAP ELX 5MG 10 ML Liquid Q6H PRN	Lortab Elixer 5 MG/ 10 MG FT Q6H PRN 10 ML	1200	None	None
8/18/11 @ 9:22	Same	Morphine 2MG 1 ml INJ Q2H PRN	Mophine INJ 2 MG SQ Q2H PRN 1 ML	No Documentation	None	None
8/18/11 @ 13:23	Same	Morphine 2MG 1 ml INJ Q2H PRN	Morphine INJ 2 MG IV Q2H PRN 1 ML	No Documentation	None	None

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).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

#### CHARGE XII.

On or about June 18, 2011 through August 18, 2011, while employed with Warm Springs Specialty Hospital at Luling, Luling, Texas, Respondent misappropriated Norco, Dilaudid, Lortab Elixer and Morphine 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(4)&(6)(G).

#### CHARGE XIII.

On or about June 18, 2011 through August 18, 2011, while employed with Warm Springs Specialty Hospital at Luling, Luling, Texas, Respondent withdrew Norco and Lortab Elixer from the Medication Dispensing System for patients in excess frequency of the physician's orders, as follows:

MedSelect Record Date/Time	Patient	Medication	Physician's Order	MAR	Nurse's Notes	Wastage
6/18/11 @ 6:47	20042888	Hydrocodone/APAP 10/ 325mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	6:30	6:30	None
6/18/11 @ 8:50	Same	Hydrocodone/APAP 10/ 325mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	None	None
6/18/11 @ 12:16	Same	Hydrocodone/APAP 10/ 325mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	1620	1730	None
8/9/11 @	20043076	Hydrocodone/APAP 10/325	Norco Tab (2) PO Q4H	No	6:30	None

6:58		mg Tab (1) Q4H PRN	PRN	Documentation		
8/9/11 @ 9:54	Same	Hydrocodone/APAP 10/325 mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	10:30	None
8/9/11 @ 12:40	Same	Hydrocodone/APAP 10/325 mg Tab (1) Q4H PRN	Norco Tab (2) PO Q4H PRN	No Documentation	None	None
8/18/11 @ 6:25	20042952	Hydrocodone/APAP ELX 5MG 10 ML Liquid Q6H PRN	Lortab Elixer 5 MG/ 10 MG FT Q6H PRN 10 ML	No Documentation	None	None
8/18/11 @ 10:53	Same	Hydrocodone/APAP ELX 5MG 10 ML Liquid Q6H PRN	Lortab Elixer 5 MG/ 10 MG FT Q6H PRN 10 ML	1200	None	None

Respondent's conduct was likely to injure the patients in that the administration of Hydrocodone in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(C) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft and Deception, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

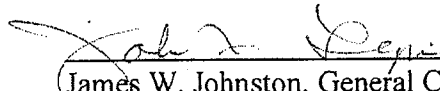
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

Filed this 24th day of April, 2012.

TEXAS BOARD OF NURSING

  
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