



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

| | | |
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| In the Matter of Registered Nurse | § | AGREED |
| License Number 537568 | § | |
| issued to CHERYL L. MAUGHMER | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHERYL L. MAUGHMER, Registered Nurse License Number 537568, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on May 21, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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(s).
2. Respondent waived representation by counsel, informal proceedings, 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 the University of Texas Medical Branch, Galveston, Texas, on December 13, 1986. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1987.
5. Respondent's professional nursing employment history includes:

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| 03/1987 - 1995 | RN | Memorial Southeast Hospital Houston, Texas |
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Respondent's professional nursing employment history continued:

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|-------------------|-----------------------------|--|
| 1995 - 2001 | RN | Memorial City Medical City Houston, Texas |
| 2001 | RN | Memorial Southeast Hospital Houston, Texas |
| 2001 - 2008 | RN | University of Texas Medical Branch Galveston, Texas |
| 2008 -05/2011 | RN | UTMB-CMC Carole Young Medical Facility Galveston, Texas |
| 05/2011 - 10/2011 | Employment history unknown. | |
| 10/2011 - 03/2012 | RN | Cornerstone Healthcare Webster, Texas |
| 03/2012 - Present | Employment history unknown. | |

6. On or about April 19, 2011, while employed as a Registered Nurse with the University of Texas Medical Branch-Correctional Managed Care, Galveston, Texas, Respondent lacked fitness to practice professional nursing, in that while on duty Respondent smelled of alcohol, exhibited slurred speech, and had a stumbling gait. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
7. On or about May 6, 2011, while employed as a Registered Nurse with the University of Texas Medical Branch-Correctional Managed Care, Galveston, Texas, Respondent lacked fitness to practice professional nursing, in that while on duty Respondent smelled of alcohol and exhibited slurred speech. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about May 20, 2011, while employed as a Registered Nurse with the University of Texas Medical Branch-Correctional Managed Care, Galveston, Texas, Respondent lacked fitness to practice professional nursing, in that while on duty Respondent smelled of alcohol and had a "halting and deliberate gait". Additionally, Respondent stated, "I may have drank last night, but not since I came to work." Respondent's condition could have affected her

ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

9. On or about March 4, 2012, while employed as a Registered Nurse with Cornerstone Hospital of Clear Lake, Webster, Texas, Respondent engaged in the intemperate use of Marijuana, in that Respondent produced a specimen for a drug screen that resulted positive for Marijuana. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Marijuana 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.
10. In response to Findings of Fact Numbers Six (6) through Nine (9), Respondent states: "I have never been impaired on the job. I voluntarily completed a 45 day alcohol inpatient program at New Hope Women's Center in Pasadena Texas. I elected to go through this voluntary program after I resigned from UTMC-CMC. I felt that basically they did not give me a choice on my resignation. I did feel that my drinking at that time was escalating during my time off from work. This was a very controlled and restricted environment. After completing this program I went to Colorado to care for an elderly uncle. Upon returning to Texas, I applied for the position at Cornerstone. My pre-employment drug screen was negative for all drugs. By not following my program, and engaging in the support of family and friends, the stress of the job and my elderly father having a major heart attack, led me to using Marijuana. I have never used it before or during work hours. I also do not routinely smoke it. I have since started back at AA meetings and have engaged the support of family and friends. I am willing to take random drug testing, provide proof of meeting attendance, and whatever is necessary for me to continue nursing."
11. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances
13. Respondent's conduct described in Findings of Fact Numbers Six (6) through Nine (9) resulted from was significantly influenced by Respondent's impairment by on chemicals.
14. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(E),(4),(5), (10)(A),(10)(D)&(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 537568, heretofore issued to CHERYL L. MAUGHMER, including revocation of Respondent's license(s) 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are 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 Texas Board of Nursing 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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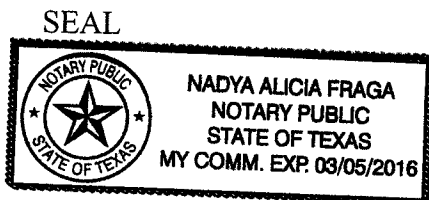
RESPONDENT'S CERTIFICATION

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. 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 Texas Board of Nursing, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of JUNE, 2012.

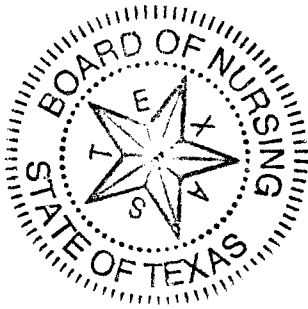
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CHERYL L. MAUGHMER, Respondent

Sworn to and subscribed before me this 14 day of JUNE, 2012.



Nadya Alicia Fraga
Notary Public in and for the State of TEXAS.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 14th day of June, 2012, by CHERYL L. MAUGHMER, Registered Nurse License Number 537568, and said Order is final.



Entered and effective this 21st day of June, 2012.

Katherine A. Thomas

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