



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.  
*April Amanda 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 776515 §  
issued to APRIL AMANDA MARIA CHUECA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of APRIL AMANDA MARIA CHUECA, Registered Nurse License Number 776515, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1) & (10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 16, 2011, by Katherine A. Thomas, MN, RN, FAAN, 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(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 an Associate Degree in Nursing from John Tyler Community College, Chester, Virginia on December 14, 2005. Respondent was licensed to practice professional nursing in the State of Texas on October 14, 2009.
5. Respondent's professional nursing employment history includes:
 

01/06 - 10/08	RN	Virginia Commonwealth University Health System Richmond, Virginia
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Respondent's professional nursing employment history continued:

11/08 - Present      Not employed in nursing.

6. On October 6, 2009, Respondent was issued an Eligibility Agreed Order by the Board 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 Eligibility Agree Order dated October 6, 2009, is attached and incorporated, by reference, as part of this Order.
7. On or about October 18, 2011, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on October 6, 2009. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract in that she submitted a specimen for a drug screen which resulted positive for Hydromorphone and Hydrocodone. Respondent admitted that she obtained prescriptions from a dentist but failed to notify TPAPN about them. Respondent also previously failed to submit a specimen for drug screens on April 12, 2011, September 20, 2011, and October 21, 2011. Stipulation Number Three (3) of the Agreed Order dated October 6, 2009, states:

"(3) APPLICANT SHALL comply with all requirements of the TPAPN contract during its term."

On or about October 28, 2011, Respondent was dismissed from TPAPN and referred to the Board.

8. Respondent's last known date of sobriety is October 18, 2011, as indicated in Finding of Fact Number Seven (7).
9. Regarding the conduct outlined in Finding of Fact Number Seven (7), Respondent states that she notified TPAPN of dental work and prescriptions. She states that her dental health was very poor while in active addition, and she has since had all of the necessary repairs done.

Respondent states that on April 12, 2011, she arrived at LabCorp at 3:40 to test but they would not allow her to test even though their website states that they take drug tests until 4pm. She states that she was sent for an assessment at TPAPN's request, and the assessor determined that she did not require any treatment. She states that her FirstLab account was suspended for non-payment when she was selected to test on September 20, 2011. She states that on October 21, 2011, she did not realize she was selected to test until 8pm at which time she called her advocate and case manager.

10. 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 a violation of Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(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 776515, heretofore issued to APRIL AMANDA MARIA CHUECA, including revocation of Respondent's license(s) 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 776515, previously issued to APRIL AMANDA MARIA CHUECA, to practice 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 AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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 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, Texas Occupations Code, §§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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(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) 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; 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.texas.gov/disciplinaryaction/stipscourses.html>.*

(4) RESPONDENT SHALL, within one (1) year of entry of the suspension being stayed, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00). 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) YEAR(S) 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) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). 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.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. 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 nurse.

(8) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another 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.

(9) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse 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 nurse 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.

(10) RESPONDENT SHALL NOT practice as a 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 nurse.

(11) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a 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.

(12) 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 nurse.

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

(14) 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.

(15) 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. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

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 or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to 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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(16) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. 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, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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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 violation 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.

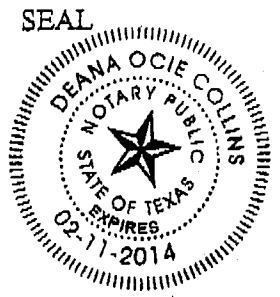
When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30 day of May, 2012.

[Signature]  
 \_\_\_\_\_  
 AMBA, AMANDA MARIA CHUECA, Respondent


Sworn to and subscribed before me this 30<sup>th</sup> day of May, 2012.

[Signature]  
 \_\_\_\_\_  
 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 30th day of May, 2012, by APRIL AMANDA MARIA CHUECA, Registered Nurse License Number 776515, and said Order is final.

Effective this 19th day of July, 2012.

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

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF TEXAS

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In the Matter of § ELIGIBILITY  
APRIL AMANDA-MARIA CHUECA §  
APPLICANT for Eligibility for Licensure § AGREED ORDER

On the date entered below, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Temporary License/Endorsement Application and supporting documents filed by APRIL AMANDA-MARIA CHUECA, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(b)(8)&(10) *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on July 19, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about April 9, 2008, Applicant submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Section 301.257 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30.
2. Applicant waived representation, notice, administrative hearing, and judicial review.
3. Applicant graduated with an Associate Degree in Nursing from John Tyler Community College, Chester, Virginia, in December 2005.
4. Applicant completed the Application for Licensure by Endorsement and answered "yes" to the question which reads: "*Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license or certificate held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?*"

5. On December 3, 2007, Applicant was issued a Consent Order by the Virginia Board of Nursing for obtaining prescriptions from numerous physicians. A copy of the December 3, 2007, Consent Order is attached and incorporated, by reference, as part of this Order.
6. Applicant completed the Application for Licensure by Endorsement and answered "yes" to the question which reads: "*Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?*"
7. A letter dated November 26, 2008, from Eugene Degner, M.D., Monitor for Harris County Medical Society, Bellaire, Texas, stated that Applicant has been a patient of his since June 2007. She successfully completed an inpatient detoxification program at Memorial Hermann Prevention and Recovery Center in June 2007. She has since been successful in her recovery and has had no relapse episodes. Dr. Degner believes Applicant is dedicated to her recovery and has been working a successful program and has no reservations in her obtaining her nursing license.
8. Applicant was admitted to Memorial Hermann from May 29, 2007 to June 4, 2007. At time of admission, Applicant was diagnosed with Polysubstance dependence, opiate withdrawal with final diagnosis of Opiate dependence and withdrawal, polysubstance dependence, mood disorder. Applicant was under a Board Order in the past, secondary to her substance use, but has not been able to comply with that agreement. She also has a history of chemical dependency treatment in October of 2006 at Bridge View in Atlanta, Georgia. Applicant said she was in treatment for two months but that she remained abstinent for only seven days after her discharge.
9. On December 12, 2006, Applicant signed a contract and entered the Health Practitioners' Intervention Program (HPIP). At the time of admission on December 12, 2006, Applicant submitted a urine drug screen that tested positive for cocaine, but she expressed a willingness to complete additional treatment based on her positive screen. On February 16, 2007, Applicant received a stay of disciplinary action from the HPIP, provided she comply with the terms of her Recovering Monitoring Contract. However, Petitioner's stay was vacated by the HPIP on April 20, 2007, after she self-reported a urine drug screen from February 5, 2007, that was positive for cocaine. As of October 3, 2007, Applicant has completed inpatient treatment and was in compliance with her HPIP Contract.
10. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application, her past behavior conforms to the Board's professional character requirements.
11. After considering the action taken by the Virginia Board of Nursing, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

12. Applicant has sworn that her past behavior conforms to the Board's professional character requirements. Applicant presented no evidence of behavior which is inconsistent with good professional character.
13. On July 19, 2009, the Executive Director considered evidence of Applicant's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
14. Licensure of Applicant poses no direct threat to the health and safety of patients or the public.
15. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
16. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

#### CONCLUSIONS OF LAW

1. The Texas Board of Nursing has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.
2. Applicant has submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Section 301.257 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30.
3. The evidence in Finding of Fact Number Four (4), is sufficient cause to take disciplinary action under Section 301.452(b), Texas Occupations Code, and, therefore, sufficient cause to deny licensure.
4. The action taken by another jurisdiction is grounds for denial of a license under Section 301.452(b)(8)&(10), Texas Occupations Code.
5. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

IT IS THEREFORE AGREED that the application of APRIL AMANDA-MARIA CHUECA, APPLICANT, is hereby conditionally GRANTED and shall be subject to conditions.

(1) APPLICANT shall obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) IT IS FURTHER ORDERED that APPLICANT 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.*, and this Order.

IN ADDITION, IT IS THEREFORE FURTHER AGREED and ORDERED that APPLICANT, upon initial licensure, SHALL comply with the following conditions for such a time as is required for APPLICANT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) APPLICANT SHALL, within forty-five (45) days of initial licensure, apply to and be accepted into the TPAPN, 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, APPLICANT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.



(3) APPLICANT SHALL comply with all requirements of the TPAPN contract during its term.

(4) APPLICANT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

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

IT IS FURTHER AGREED and ORDERED that while Applicant's license is encumbered by this Order, Applicant 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 Applicant wishes to work.

IT IS FURTHER AGREED, SHOULD APPLICANT 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 a APPLICANT's license to practice professional nursing in the State of Texas.

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APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157, 301.252, 301.253, 301.260, and 301.452(b) of the Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, and Board Rules at 213.27, 213.28, and 213.29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Texas Board of Nursing.

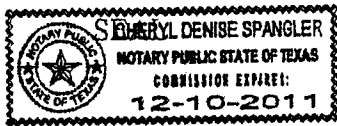
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Texas Board of Nursing enter this Order.

Signed this 14<sup>th</sup> day of September, 2009.

April Amanda-Maria Chueca  
APRIL AMANDA-MARIA CHUECA, APPLICANT

Sworn to and subscribed before me this 14<sup>th</sup> day of September, 2009




Cheryl Denise Spangler  
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 ratify and adopt the Order of Conditional Eligibility that was signed on the 14<sup>th</sup> day of September, 2009, by APRIL AMANDA-MARIA CHUECA, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Entered this 6<sup>th</sup> day of October, 2009.

BOARD OF NURSING  
FOR THE STATE OF TEXAS

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

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

APRIL CHUECA, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and April Chueca, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Chueca's license to practice professional nursing.

FINDINGS OF FACT

1. April Chueca, R.N., was issued License No. 0001-200352 to practice professional nursing by the Virginia Board of Nursing on March 15, 2006. Said license is set to expire on March 31, 2008.
2. Ms. Chueca has a history of requesting prescriptions for narcotics from numerous physicians. By her own admission, she did not inform her various physicians about the medications that she was taking, or that were prescribed by others.
3. By her own admission, Ms. Chueca told her gynecologist that she was having abdominal pain in order to receive narcotics.
4. By her own admission, Ms. Chueca took narcotics to reduce stress. Ms. Chueca admits to having a problem with narcotics.
5. On September 13, 2006, Ms. Chueca requested a prescription for Percocet (oxycodone HCl, a schedule II controlled substance) from a treating physician, claiming that she had lost a prescription that he had written for her on September 7, 2006. The physician called the pharmacy, and discovered that Ms. Chueca had, in fact, filled the September 7 prescription.

6. In March, 2006, while she was hospitalized for an episode of respiratory distress, Ms. Chueca was given a large amount of narcotic medication with little effect. On or about March 12, 2006, Ms. Chueca left her hospital bed and floor looking for Fioricet (codeine, butalbital, acetaminophen, and caffeine, a schedule III controlled substance) without the permission of her treating physician.

7. During the course of her employment with VCU Health System, Richmond, Virginia, on August 19, 2006, Ms. Chueca was rummaging through patients' medication drawers looking for Robaxin (methocarbamol, a schedule VI drug), claiming that her patient was out of the medication, when the patient had had five of these pills in his medication drawer earlier in the shift. Ms. Chueca later tried to return two of these pills to the patient's drawer, but when she discovered that the patient had been discharged, she attempted to place the pills back in her pocket.

8. Ms. Chueca entered the Health Practitioners' Intervention Program ("HPIP") on December 12, 2006. She submitted a urine drug screen on December 12, 2006, that was positive for cocaine, but expressed a willingness to complete additional treatment based on her positive screen. On February 16, 2007, Ms. Chueca received a stay of disciplinary action from the HPIP, provided that she complied with the terms of her Recovery Monitoring Contract ("Contract"). However, Ms. Chueca's stay was vacated by the HPIP on April 20, 2007, after she self-reported a urine drug screen from February 5, 2007, that was positive for cocaine.

9. As of October 3, 2007, Ms. Chueca had completed inpatient treatment, and was in compliance with her HPIP Contract.

#### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2, 3, 4, 5, 6, 8, and 9 constitute violations of § 54.1-3007(6) of the Code.

2. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations.

CONSENT

April Chueca, by affixing her signature hereon, agrees to the following:

1. Ms. Chueca has been advised to seek advice of counsel prior to signing this document;
2. Ms. Chueca acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. Ms. Chueca acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. Ms. Chueca waives all such right to an informal conference;
5. Ms. Chueca admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. Ms. Chueca consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time, contingent upon Ms. Chueca's continued compliance with all terms and conditions of her Recovery Monitoring Contract with the HPIP for the period specified in the Contract.

2. Ms. Chueca shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

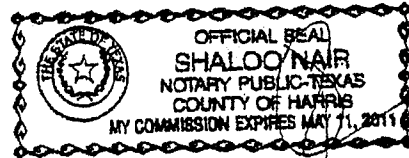
Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

*Jay Piersall*  
Judith Piersall, R.N., B.S.N.  
President, Virginia Board of Nursing  
December 3<sup>RD</sup>, 2007

SEEN AND AGREED TO:

*A Chueca*  
April Chueca



STATE OF TEXAS  
COUNTY/CITY OF HARRIS/TX, TO WIT:

Subscribed and sworn to before me, Shaloo Nair, a Notary Public, this 06 day of November, 2007.

My commission expires May 11, 2011.

SHALOO NAIR S. Nair  
NOTARY PUBLIC

**Certified True Copy**

By *[Signature]* 11/07/07  
Virginia Board of Nursing  
*[Signature]*