



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

In the Matter of Vocational Nurse § AGREED
License Number 98216 and §
Registered Nurse License Number 568652 §
issued to JENNIFER MARY THOMAS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER MARY THOMAS, Vocational Nurse License Number 98216 and Registered Nurse License Number 568652, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1), (9), (10) & (12), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 9, 2012, 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 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 and holds a license to practice vocational nursing in the State of Texas, which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing on June 24, 1982, and was licensed to practice vocational nursing in the State of Texas on December 31, 1982. Respondent received an associate degree in nursing from South Plains College, Lubbock, Texas on December 14, 1990, and was licensed to practice professional nursing in the State of Texas on March 18, 1991.

5. Respondent's vocational and professional nursing employment history includes:

12/82 - 11/90	Unknown	
12/90 - 1999	LVN/RN Charge Nurse	University Medical Center Hospital Lubbock, Texas
1999 - 2000	Staff Nurse	Trinity Medical Center Carrollton, Texas
2000 - 2001	Agency Nurse	Nurse Finders Nurses by Prescription, Inc. Lubbock, Texas
2001 - 2003	Charge Nurse	Bender Terrace Lubbock, Texas
8/03 - 7/06	Not employed in Nursing	
8/06 - Unknown	Staff Nurse	Bender Terrace Lubbock, Texas
Unknown		Covenant Specialty Hospital Lubbock, Texas
Unknown		Whisperwood Nursing and Rehabilitation Lubbock, Texas
Unknown		Southern Specialty Nursing and Rehabilitation Lubbock, Texas
8/2010 - Unknown	RN Shift Supervisor	Lubbock State Supported Living Center Lubbock, Texas

6. On August 12, 2003, the Board of Nurse Examiners accepted the voluntary surrender of Respondent's license to practice nursing in the State of Texas. A copy of the August 12, 2003, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On July 20, 2006, Respondent's licenses to practice nursing were Reinstated by the Board of Nurse Examiners for the State of Texas, subject to Respondent's participation in the Texas

Peer Assistance Program for Nurses (TPAPN). A copy of the July 20, 2006, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

8. On June 12, 2007, Respondent's licenses to practice nursing were suspended, and said suspension was enforced until Respondent completed a treatment program approved by the Board and obtained twelve (12) consecutive months of sobriety. A copy of June 12, 2007, Enforced Suspension Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On or about March 30, 2009, while employed with Covenant Specialty Hospital, Lubbock, Texas, Respondent failed to comply with the Agreed Order issued to her on June 12, 2007, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Fifteen (15) of the Agreed Order which states, in pertinent part:

(15) RESPONDENT SHALL submit to random periodic screens for controlled substances....

On or about March 30, 2009, Respondent called the testing vendor's phone line and was chosen to submit to a random drug test on that day. However, Respondent failed to appear at the collection site to submit a specimen for the random drug test.

8. On or about March 1, 2010, while employed with Whisperwood Nursing and Rehabilitation, Lubbock, Texas, and while subject to the Agreed Order issued to her on June 12, 2007, by the Texas Board of Nursing, which required Respondent to abstain from the consumption of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose, Respondent refused to submit to a drug screen required by Whisperwood Nursing and Rehabilitation, Lubbock, Texas. Respondent admitted to her employer that she had taken Hydrocodone cough syrup. Respondent may have lacked fitness to practice nursing with reasonable skill and safety and Respondent's conduct could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

9. On or about March 8, 2010, Respondent submitted an application for employment to Southern Specialty Nursing and Rehabilitation, Lubbock, Texas, in which she provided false, deceptive and/or misleading information in that she indicated her reason for leaving employment with Whisperwood Nursing and Rehabilitation, Lubbock, Texas, as "needed night pos." when in fact she was terminated from the facility on March 5, 2010. Respondent's conduct was likely to deceive the facility and could have affected its decision to offer employment.

10. On or about April 26, 2010, while employed with Southern Specialty Nursing and Rehabilitation, Lubbock, Texas, Respondent lacked fitness to practice nursing in that she exhibited impaired behavior while on duty including, but not limited to, dilated pupils,

dozing off at nurses' station, slurred speech, and unsteady gait. Respondent's conduct could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

11. On April 30, 2010, Respondent was admitted to the Ranch at Dove Tree, a 28-day inpatient residential treatment facility for the treatment of chemical dependency. Respondent's condition may have affected her ability to practice nursing with reasonable skill and safety and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
12. Respondent's last known date of sobriety is April 30, 2010, as indicated in Finding of Fact Number Eleven (11).
13. On May 28, 2010, Respondent completed a 28-day inpatient residential treatment program at the Ranch at Dove Tree.
14. Respondent provided urine drugs screen testing results from October 23, 2008; June 22, 2009; November 17, 2009; September 23, 2010; December 2, 2010; February 25, 2011; July 15, 2011; August 4, 2011; August 29, 2011; October 14, 2011; November 2, 2011; and April 11, 2012, all of which were negative.
15. The Respondent provided the following letters of recommendation:
 - a. Donald Minnis, RN, BSN, Lubbock, Texas. Mr. Minnis states that Respondent began employment at the Lubbock State Supported Living Center in August, 2010, as an RN Shift Supervisor on the 2 p.m. to 10 p.m. shift. She then moved to the 6 a.m. to 2 p.m. shift, which is a more challenging shift. In this position, Respondent supervises 12 - 15 nurses working on 15 different homes on a facility that covers 250 acres. Mr. Minnis states that Respondent has performed her duties with care and good nursing judgment. Further, Mr. Minnis states that Respondent is a dependable and loyal employee who always has the best interest and safety for the individuals they serve. Respondent is a fair and balanced person when dealing with the nurses she supervises. Mr. Minnis states that he looks forward to Respondent's continued employment and excellent service.
 - b. Amy Schoonover. Ms. Schoonover states that she has been the Respondent's sponsor since August, 2010. Ms. Schoonover has over three years sobriety herself and frequently attends meetings at the same location as the Respondent. Ms. Schoonover states that she works at the same facility as the Respondent and sees her on a daily basis. Ms. Schoonover further states that, at no time, has Respondent shown any signs of relapse or impairment of any kind since Ms. Schoonover has been her sponsor. Further, Ms. Schoonover states that Respondent is dedicated to actively working on her steps and attending meetings. She further states that she attends one

to two meetings with the Respondent each week.

- c. Marcellette McFadden, RN. Ms. McFadden states that she has worked with the Respondent at various times and locations over the past 20 years. She is currently working at the same facility with the Respondent, but in a different department. Ms. McFadden states that the Respondent has had a long battle with addiction. She further states that the Respondent has done amazing since her completion of a residential treatment program. The program instilled changes in the Respondent that Ms. McFadden could never have imagined. Ms. McFadden states that the Respondent attends AA meetings and is very open about the steps that she is working on at any given time. Further, Respondent seems to apply her program tools very proficiently in all areas of her everyday life. Ms. McFadden often sees the Respondent utilizing her program knowledge to encourage others to manage everyday problems in a more positive and healthy manner. Ms. McFadden states that she has never seen anyone so driven to reach/maintain her goals. Ms. McFadden states that she sees the Respondent many times throughout the week at work. Respondent is focused, responsible, and does a great job. Respondent has terrific nursing knowledge and skills, which constantly benefit their residents. Ms. McFadden states that Respondent has a great attitude and does whatever it takes to get the patient's needs met. Her dedication to caring for others is a special character trait that sets her apart from the average nurse. Ms. McFadden further states that the service their residents and her peers receive would surely decline if the Respondent were to leave their facility.
16. Respondent provided AA logs from June 1, 2010, through August 26, 2011.
 17. 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.
 18. Charges were filed on September 29, 2011 and mailed to Respondent on January 12, 2012. First Amended Formal Charges were filed and mailed to Respondent on March 29, 2012.

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 violations of Section 301.452(b)(1), (9), (10) & (12) and 22 TEX. ADMIN. CODE §217.12(1)(E), (4), (5), (6)(H), (6)(I), & (11)(B).

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 98216 and Registered Nurse License Number 568652, heretofore issued to JENNIFER MARY THOMAS, 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 Vocational Nurse License Number 98216 and Registered Nurse License Number 568652, previously issued to JENNIFER MARY THOMAS, to practice nursing in Texas are hereby SUSPENDED and said suspension is ENFORCED until Respondent completes the following requirements:

(1) RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars (\$1,000). 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 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 above

requirement, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for four (4) 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, Registered 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>.

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 FOUR (4) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH FORTY-EIGHT (48) 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:

(4) RESPONDENT SHALL notify all present and 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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 four (4) years of employment as a nurse.

(12) 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.

(13) 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.

(14) 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 licenses, 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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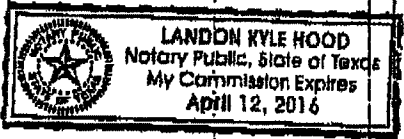
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 1 day of June, 2012
Jennifer Mary Thomas
JENNIFER MARY THOMAS, Respondent

Sworn to and subscribed before me this 1 day of June, 2012.
Landon Kyle Hood

SEAL



Notary Public in and for the State of Texas

Nancy Roper Wilson
Approved as to form and substance.
Nancy Roper Wilson, Attorney for Respondent

Signed this 1st day of June, 2012

05/10/2012

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WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 1st day of June, 2012, by JENNIFER MARY THOMAS, Vocational Nurse License Number 98216 and Registered Nurse License Number 568652, 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 NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse	§	
License Number 98216 and	§	AGREED
Registered Nurse License Number 568652	§	
issued to JENNIFER MARY THOMAS	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JENNIFER MARY THOMAS, Vocational Nurse License Number 98216, and Registered Nurse License Number 568652, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1), (9) and (10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 13, 2007, by Katherine A. Thomas, MN, RN, 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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice vocational nursing is currently in delinquent status.
4. Respondent is currently licensed to practice professional nursing in the State of Texas.

5. Respondent received a Certificate in Vocational Nursing on June 24, 1982. Respondent was originally licensed to practice vocational nursing in the State of Texas on December 13, 1982. Respondent received an Associate Degree in Nursing from South Plains College, Levelland, Texas, on December 1, 1990. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1991.

6. Respondent's vocational and professional nursing employment history includes:

12/82 - 11/90	Unknown	
12/90 - 1999	LVN/RN Charge Nurse	University Medical Center Hospital Lubbock, Texas
1999 - 2000	Staff Nurse	Trinity Medical Center Carrollton, Texas
2000 - 2001	Agency Nurse	Nurse Finders Nurses by Prescription, Inc. Lubbock, Texas
2001 - 2003	Charge Nurse	Bender Terrace Lubbock, Texas
8/03 - 7/06	Not employed in nursing	
8/06 - present	Staff Nurse	Bender Terrace Lubbock, Texas

7. On August 12, 2003, the Board accepted the voluntary surrender of Respondent's license to practice professional nursing in the State of Texas. A copy of the August 12, 2003, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

8. On July 20, 2006, Respondent's license to practice professional nursing was Reinstated with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the July 20, 2006, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

9. On or about November 27, 2006, while employed with Bender Terrace, Lubbock, Texas, Respondent engaged in the intemperate use of alcohol in that she produced a specimen for a drug screen which resulted positive for alcohol. The use of alcohol 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. On or about November 29, 2006, while employed with Bender Terrace, Lubbock, Texas, Respondent engaged in the intemperate use of alcohol in that she produced a specimen for a drug screen which resulted positive for alcohol. The use of alcohol 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.
11. On or about November 27, 2006, and November 29, 2006, while employed with Bender Terrace, Lubbock, Texas, Respondent failed to comply with the Reinstatement Agreed Order issued to her on July 20, 2006, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with the Texas Peer Assistance Program for Nurses (TPAPN) contract during its term by engaging in the intemperate use of alcohol.
12. Respondent's last known date of sobriety is November 29, 2006, as indicated in Finding of Fact Number Nine (9).
13. Respondent was admitted into Intensive Outpatient treatment for Specialized Females on January 2, 2007. Intensive treatment consists of group meetings four (4) times per week and one (1) counseling session per week. Respondent is currently attending and participating in all group and individual sessions on a regular basis.
14. 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 violations of Section 301.452(b)(1), (9) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) & (11)(B).
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 98216, and Registered Nurse License Number 568652, heretofore issued to JENNIFER MARY THOMAS, including revocation of Respondent's vocational and professional licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Vocational Nurse License Number 98216, and Registered Nurse License Number 568652, previously issued to JENNIFER MARY THOMAS, to practice vocational and professional nursing in Texas are 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 ORDERED that Registered Nurse License Number 568652, and Vocational Nurse License Number 98216, previously issued to JENNIFER MARY THOMAS, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice professional and vocational nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the 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, upon verification of successful completion of the approved treatment program 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, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and be issued a license to practice vocational or professional nursing in the State of Texas with the appropriate notation.

(3) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty (\$750.00) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be

approved. In order for the course to be approved, the target audience shall include Registered Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. 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.bne.state.tx.us/about/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE OR VOCATIONAL 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) YEARS 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

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

(8) For the first year of employment as a Vocational Nurse or Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional 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 who is on the premises. The supervising RN 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 RN 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 vocational or professional 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 vocational or professional nurse.

(11) RESPONDENT SHALL NOT practice as a vocational or professional nurse in any critical care area for one (1) year of employment as a professional 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 vocational or professional 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 professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a vocational or professional 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 second three (3) 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.

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 will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(16) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the probation period, or until RESPONDENT is dismissed from therapy.

(17) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and 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, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice vocational and professional nursing in the State of Texas.

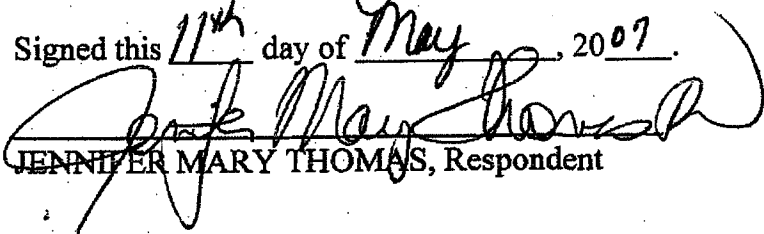
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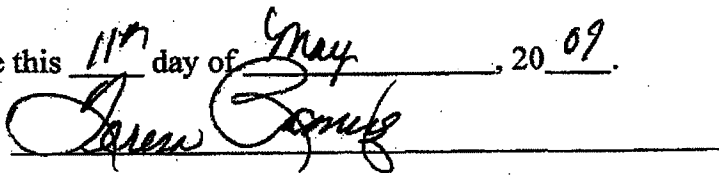
RESPONDENT'S CERTIFICATION

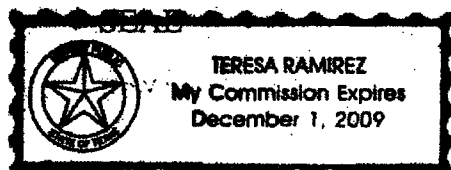
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 licenses to practice vocational and professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11th day of May, 2007.


JENNIFER MARY THOMAS, Respondent

Sworn to and subscribed before me this 11th day of May, 2007.






Notary Public in and for the State of TX-01-09

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 11th day of May, 2007, by JENNIFER MARY THOMAS, Vocational Nurse License Number 98216, and Registered Nurse License Number 568652, and said Order is final.

Effective this 12th day of June, 2007.


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

**BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS**

In the Matter of Registered Nurse
License Number 568652 and
Vocational Nurse License Number 98216
issued to JENNIFER MARY THOMAS

§
§ REINSTATEMENT
§
§ AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 568652, held by JENNIFER MARY THOMAS, hereinafter referred to as Petitioner.

An informal conference was held on May 2, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, MSN, RN, Director of Nursing, Executive Director's Designee; James W. Johnston, General Counsel; Vicki Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner's license to practice vocational nursing in the State of Texas is currently in delinquent status.

3. Petitioner received a Certificate in Vocational Nursing on June 24, 1982. Petitioner was originally licensed to practice vocational nursing in the State of Texas on December 13, 1982. Petitioner received an Associate Degree in Nursing from South Plains College, Levelland, Texas, on December 1, 1990. Petitioner was originally licensed to practice professional nursing in the State of Texas on March 18, 1991.

4. Petitioner's vocational and professional nursing employment history includes:

12/82 - 11/90	Unknown	
12/90 - 1999	LVN/RN Charge Nurse	University Medical Center Hospital Lubbock, Texas
1999 - 2000	Staff Nurse	Trinity Medical Center Carrollton, Texas
2000 - 2001	Agency Nurse	Nurse Finders Nurses by Prescriptions, Inc. Lubbock, Texas
2001 - 2003	Charge Nurse	Bender Terrace Lubbock, Texas
8/03 - present	Not employed in nursing	

5. On August 12, 2003, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the August 12, 2003, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On October 14, 2004, Petitioner was convicted of the offense of Driving While Intoxicated and placed on community supervision for a period of one (1) year. Petitioner was discharged from community supervision on October 27, 2005.

7. On or about January 20, 2006, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

8. Petitioner presented the following in support of her petition:

8.1. Documentation, dated October 27, 2005, of Petitioner's discharge from community supervision.

- 8.2. Letter, dated November 17, 2005, from Beth Munoz, Program Director, Specialized Female Outpatient Services, Managed Care Center for Addictive/Other Disorders, Inc., Lubbock, Texas, states Petitioner was admitted to the intensive outpatient specialized female treatment service program on November 10, 2004. Petitioner progressed well throughout treatment services and completed 100% of treatment-plan goals. She completed the outpatient program on March 2, 2005. Petitioner's primary counselor wrote in discharge summary, "Prognosis is good for maintaining a life free of all mind altering chemicals." Petitioner reports maintaining a year of clean time thus far.
- 8.3. Letter of support from Landis Beavers states Petitioner worked for her at her home. Petitioner is a very sweet and honest young lady. She is a hard worker and would be an exceptional employee.
- 8.4. Letter of support, dated January 26, 2005, from Crystal Osborn states she worked with Petitioner during the time she was employed with Home Instead Senior Care. She was a full-time care giver during her employment with the company and was enjoyed by each of the clients and their family members. Petitioner was a team player, a kind and sincere person, and a great co-worker. Petitioner was always one to do more than ever asked of her. She often took the initiative to get things started for the clients and picked up the slack when things were going slowly. She was a wonderful advocate for the clients, whom were in their own homes and also in assisted living facilities. Petitioner was always nice to everyone in the office and just about anyone who was around her seemed to like her. Ms. Osborn highly recommends Petitioner for whatever she may decide to take up next.
- 8.5. Letter of support, dated January 11, 2006, from Marcellette McFadden, Lubbock, Texas, states she has worked with Petitioner on several occasions in the past when she was a nurse. Ms. McFadden has known Petitioner for fourteen (14) years and has worked with her in the nursing field as a peer and a subordinate. As a peer, Petitioner is dedicated to her job and patient care is the utmost priority for her. She encourages excellence in the delivery of patient care and takes pride in setting a positive example by being an encouraging and professional role model. When Ms. McFadden worked with Petitioner as a charge nurse, she expected the patient to be cared for to the strictest interpretation of the policies and procedures. She made fair and adequate assignments and was always available for assistance or information if needed. She dealt with staff problems quickly and in a positive, professional manner. Ms. McFadden understands that Petitioner has had several severe stressors in her life over the past few years which included a bitter divorce and a very lengthy custody battle. Petitioner has sought counseling to deal with her past, present and future problems in a more healthy and positive manner. Ms. McFadden has had the opportunity to attend AA meetings with Petitioner in the past. She is currently working her 12 step program and shows amazing strides in owning her own mistakes and problems. In

closing, Ms. McFadden would like to say that Petitioner is a terrific person who has a true passion for nursing.

- 8.6. Documentation of support group attendance dating from March 2005 through December 2005.
- 8.7. Documentation of thirty (30) Type I Continuing Education contact hours.
9. Petitioner gives October 1, 2004, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of JENNIFER MARY THOMAS, Registered Nurse License Number 568652, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 §211.01 *et seq.* and the stipulations contained in this Order:

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's licenses are encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice professional or vocational nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to JENNIFER MARY THOMAS, shall be subject to the following agreed post-licensure stipulations:

(2) 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 five hundred dollars (\$500) payable to TPAPN.

(3) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(4) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(5) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

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 licenses and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice professional and/or vocational nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, 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 convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

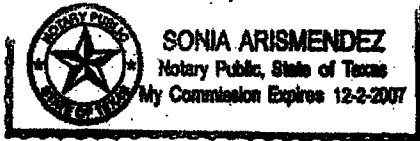
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my licenses to practice vocational and professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 5th day of June, 2006.

Jennifer Mary Thomas
JENNIFER MARY THOMAS, Petitioner

Sworn to and subscribed before me this 5th day of June, 2006.

SEAL



Sonia Arismendez
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 5th day of June, 2006, by JENNIFER MARY THOMAS, Registered Nurse License Number 568652, and Vocational Nurse License Number 98216, and said Order is final.

Effective this 20th day of July, 2006.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 568652
issued to JENNIFER MARY THOMAS

§ AGREED
§ ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that JENNIFER MARY THOMAS, hereinafter referred to as Respondent, License Number 568652, may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code.

An informal conference was held on January 28, 2003, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Donald E. Cummings, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Candace V. Heisserman, Investigator.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from South Plains College, Levelland, Texas, on December 1, 1990. Respondent was licensed to practice professional nursing in the State of Texas in March 1991.
5. Respondent's professional employment history is unknown.

6. On or about August 2001, while employed with Nurse Finders, Lubbock, Texas, and working at Plainview Hospital, Plainview, Texas, Respondent lacked fitness to practice professional nursing due to severe depression. Respondent admitted having suicidal ideation and attempting to commit suicide. Respondent's conduct 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 patient in potential danger.
7. On or about October 2, 2001, through October 4, 2001, while employed with Nurses by Prescription, Inc., Lubbock, Texas, and working at Covenant Health System, Lubbock, Texas, Respondent withdrew Morphine Sulfate from the pyxis but failed to properly document the administration of Morphine Sulfate in the Medication Administration Record (MAR), Nurses Notes, or both, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
10/2/01@0200	100280809	MSO4 10MG	MSO4 2-4MG IV PRN Q 1HR	NO	YES	2MG
10/2/01@0400	100280809	MSO4 10MG	MSO4 2-4MG IV PRN Q 1HR	NO	YES	4MG
10/2/01@2015	100280809	MSO4 10MG	MSO4 2-4MG IV PRN Q 1HR	NO	NO	2MG
10/2/01@2230	100280809	MSO4 10MG	MSO4 2-4MG IV PRN Q 1HR	NO	YES	4MG
10/3/01@2130	100280809	MSO4 10MG	MSO4 2-4MG IV PRN Q 1HR	NO	YES	4MG
10/3/01@2300	100280567	MSO4 5MG	MSO4 PCA 1MG Q 10" LOCKOUT	NO	NO	NO
10/4/01@0100	100280809	MSO4 10MG	MSO4 2-4MG IV PRN Q 1HR	NO	NO	2MG

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 and placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. On or about October 2, 2001, through October 4, 2001, while employed with Nurses by Prescription, Inc., Lubbock, Texas, and working at Covenant Health System, Lubbock, Texas, Respondent misappropriated Morphine Sulfate from the facility and patients thereof, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
10/2/01@2015	100280809	MSO4 10MG	MSO4 2-4MG IV PRN Q 1HR	NO	NO	2MG
10/3/01@2300	100280567	MSO4 5MG	MSO4 PCA 1MG Q 10" LOCKOUT	NO	NO	NO
10/4/01@0100	100280809	MSO4 10MG	MSO4 2-4MG IV PRN Q 1HR	NO	NO	2MG
10/4/01@0545	100280809	MSO4 10MG	MSO4 2-4MG IV PRN Q 1HR	NO	NO	4MG

Respondent's conduct was likely to defraud the facility and patients the cost of the medication.

9. On or about October 3, 2001, and October, 4, 2001, while employed with Nurses by Prescription, Inc., Lubbock, Texas, and working at Covenant Health System, Lubbock, Texas, Respondent failed to follow the facility's policy and procedure for the wastage of medications, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
10/3/01@2300	100280567	MSO4 5MG	MSO4 PCA 1MG Q 10" LOCKOUT	NO	NO	NO
10/4/01@0545	100280809	MSO4 10MG	MSO4 2-4MG IV PRN Q 1HR	NO	NO	4MG, NO WITNESS

Respondent's conduct was likely to deceive the public and constitutes a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

10. On or about October 2001, while employed with Nurses by Prescription, Inc., Lubbock, Texas, and working at Covenant Health System, Lubbock, Texas, Respondent lacked fitness to practice professional nursing due to depression and multiple suicide attempts. Respondent's conduct 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 patient in potential danger.
11. Charges were filed on July 15, 2002.

12. Charges were mailed to Respondent on July 15, 2002.
13. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.

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 violations of Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1),(4)and 22 TEX. ADMIN. CODE §217.12(1),(12),(18)&(19).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 568652, heretofore issued to JENNIFER MARY THOMAS, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

IT IS THEREFORE AGREED and ORDERED, that the VOLUNTARY SURRENDER of License Number 568652, heretofore issued to JENNIFER MARY THOMAS to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. **RESPONDENT SHALL** immediately deliver the wallet-size license, heretofore issued to **JENNIFER MARY THOMAS**, to the office of the Board of Nurse Examiners.
2. **RESPONDENT SHALL NOT** practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that **RESPONDENT** is a registered nurse during the period in which the license is surrendered.
3. **RESPONDENT SHALL NOT** petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
4. Upon petitioning for reinstatement, **RESPONDENT SHALL** satisfy all then existing requirements for relicensure.

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

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CONTINUED ON NEXT PAGE.

AHW: Candace Heissman

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 5th day of August, 2003

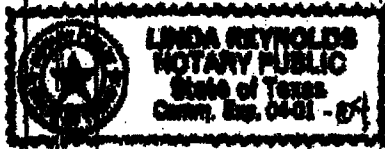
Jennifer Mary Thomas
JENNIFER MARY THOMAS, Respondent

Sworn to and subscribed before me this 5th day of August, 2003

Linda Reynolds

Notary Public in and for the State of TEXAS

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WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing License Number 568652, previously issued to JENNIFER MARY THOMAS.

Effective this 18th day of August, 2003.



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