



DOCKET NUMBER 507-12-1663

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 173551  
ISSUED TO  
SHEILA ANN BASQUEZ

§ BEFORE THE STATE OFFICE  
§ OF  
§ ADMINISTRATIVE HEARINGS  
§

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.  
*Michelle Palmer*  
Executive Director of the Board

OPINION AND ORDER OF THE BOARD

TO: SHEILA ANN BASQUEZ  
P.O. BOX 60  
BRONTE, TX 76933

CATHERINE C. EGAN  
ADMINISTRATIVE LAW JUDGE  
300 WEST 15TH STREET  
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on January 19-20, 2012, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board correct a typographical error in Ms. Basquez's name throughout the PFD and adopt all of the Findings of Fact and Conclusions of Law in the PFD regarding the vocational nursing license of Sheila Ann Basquez without changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board has authority to review and modify the PFD in accordance with the Government Code §2001.058(e). The Board has determined that the PFD contains a technical error. Ms. Basquez's name is spelled as "Shelia" instead of "Sheila" throughout

the PFD. The Board finds that the PFD should BE MODIFIED under the authority of §2001.058(e)(3) to correct this technical error throughout the PFD.

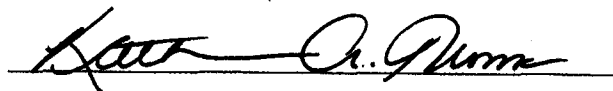
Further, the Board, after review and due consideration of the PFD, Staff's recommendations, and the presentation by the Respondent during the open meeting, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 173551, previously issued to SHEILA ANN BASQUEZ, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

Entered this 19<sup>th</sup> day of January, 2012.

TEXAS BOARD OF NURSING

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-12-1663 (November 22, 2011).

SOAH DOCKET NO. 507-12-1663

TEXAS BOARD OF NURSING,  
Petitioner

v.

SHELIA ANN BASQUEZ,  
Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

This matter was scheduled for hearing at 9:00 a.m. on November 16, 2011, at the request of the Texas Board of Nursing (Board/Staff). Despite being sent proper notice, Shelia Ann Basquez (Respondent) did not appear and was not represented at the hearing. For the reasons set out in the Findings of Fact and Conclusions of Law, the Administrative Law Judge finds that the relief requested by the Board should be granted on a default basis.

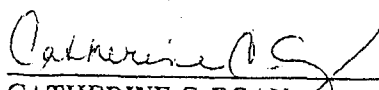
FINDINGS OF FACT

1. Notice of the hearing was mailed to Respondent at the Respondent's address of record at least ten days prior to the scheduled hearing.
2. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
3. The notice of hearing contained a statement in at least 12-point, boldface type that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against a party that failed to appear at the hearing.
4. The hearing was held and the record closed on November 16, 2011.
5. Respondent did not appear at the scheduled hearing and was not represented at the hearing.
6. Staff moved for a default, which was granted.
7. The factual allegations set out in the notice of hearing are deemed admitted and are incorporated by reference into this Finding of Fact.

## CONCLUSIONS OF LAW

1. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
2. The Texas Board of Nursing (the Board) has jurisdiction over this matter.
3. Proper and timely notice was provided to Respondent in accordance with TEX. GOV'T CODE ch. 2001 and 1 TEX. ADMIN. CODE ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
5. Staff has established the basis for the revocation of Respondent's license as alleged in the notice of hearing, which is incorporated into this Conclusion of Law.
6. The Board is entitled to the relief requested in its notice of hearing. 22 TEX. ADMIN. CODE § 213.33.

SIGNED November 22, 2011.



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CATHERINE C. EGAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS BOARD OF NURSING

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In the Matter of Permanent

Certificate Number 173551

Issued to SHEILA ANN BASQUEZ

NOTICE OF HEARING

SOAH Docket No. 507-12-1663

Respondent: Sheila Ann Basquez  
PO Box 60  
Bronte, TX 76933

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a hearing will be held before an Administrative Law Judge (ALJ), beginning on the Sixteen (16th) day of November, 2011, at 9 a.m., at the State Office of Administrative Hearings, William P. Clements Building, 300 West 15<sup>th</sup> Street, 4<sup>th</sup> Floor, Austin, Texas, 78701, regarding First Amended Formal Charges previously filed and served upon you by the Texas Board of Nursing. The First Amended Formal Charges are attached and incorporated by reference as a part of this notice.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq.; Title I Part VII Texas Administrative Code Chapter 155; the Nursing Practice Act, Texas Occupations Code §301.451 through §301.555; and the Board of Nursing Rule 213 at 22 Texas Administrative Code.

The particular sections of statutes and rules involved in determining the charges are stated in the attached First Amended Formal Charges in connection to the facts or conduct alleged.

Pursuant to 22 TEX. ADMIN. CODE §213.22, you are required to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the staff (General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701). FAILURE TO ENTER AN APPEARANCE BY FILING A WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING TO THE FIRST AMENDED FORMAL CHARGES WITHIN TWENTY (20) DAYS OF THE DATE THIS NOTICE WAS MAILED, SHALL ENTITLE THE STAFF TO A CONTINUANCE AT THE TIME OF THE HEARING. "Staff" is defined by 22 TEX. ADMIN. CODE §213.1(41). Continuances are set by the Administrative Law Judge.

SOAH Docket No. 507-12-1663, Sheila Ann Basquez  
October 25, 2011  
Page 2 of 2

You have the right to appear at this hearing and to have legal representation at the hearing at your own expense. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FIRST AMENDED FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.**

If it is determined that the First Amended Formal Charges are substantiated, then any prior disciplinary action that has been taken against your license will be considered when determining the appropriate sanction for these violation(s).

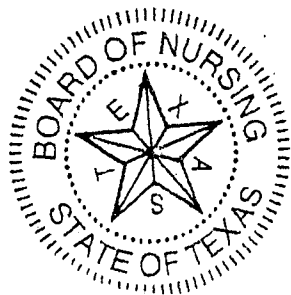
Issued, dated, and mailed this, the 25th day of October, 2011.

TEXAS BOARD OF NURSING

By:



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Katherine A. Thomas, MN, RN  
Executive Director



In the Matter of Permanent License  
 Number 173551, Issued to  
 SHEILA ANN BASQUEZ, Respondent

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BEFORE THE TEXAS  
 BOARD OF NURSING

**FIRST AMENDED FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHEILA ANN BASQUEZ, is a Vocational Nurse holding license number 173551, which is in current status at the time of this pleading.

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

**CHARGE I.**

On or about January 5, 2008, through February 21, 2008, while employed with Elsie Gayer Health Care Center, San Angelo, Texas, part of Baptist Memorials Center, San Angelo, Texas, Respondent signed out Hydrocodone on the Record of Controlled Substance sheet for patients LC, LW & MS, but failed to correctly and accurately document the administration of medication including signs, symptoms and responses to the medication administered in the patients' Medication Administration Records (MARs) and/or Nurses Notes as follows:

Date/Time Removed	Patient	Order	Medication Removed	Amount Removed	Amount Left	MAR	Nurses Notes
1/5/08 0630	LC	Hydrocodone 7.5/500 1-2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	3	None	None
1/5/08 1130	LC	Hydrocodone 7.5/500 1-2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	1	None	None
1/5/08 1800	LC	Hydrocodone 7.5/500 1-2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	1	0	None	None
1/5/08 1800	LC	Hydrocodone 7.5/500 1-2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	1	15 (new card of 16)	None	None
1/6/08 0615	LC	Hydrocodone 7.5/500 1-2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	13	None	None
1/6/08 1115	LC	Hydrocodone 7.5/500 1-2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	11	None	None

1/6/08 1515	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	9	None	None
1/6/08 2200	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	7	None	None
1/12/08 0900	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	3	None	None
1/12/08 1745	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	1	None	None
1/13/08 0715	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	1	0	None	None
1/13/08 1600	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	14 (new card of 16)	None	None
1/13/08 2030	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	12	None	None
1/19/08 0630	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	9	None	None
1/19/08 1200	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN+	Hydrocodone 7.5/500	2	7	None	None
1/19/08 2030	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	5	None	None
1/20/08 0700	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	3	None	None
1/20/08 1300	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	1	None	None
1/26/08 0630	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	1	0	None	None
1/26/08 0630	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	1	15 (new card of 16)	None	None
1/26/08 1030	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	13	None	None



1/26/08 1430	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	11	None	None
1/26/08 2100	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	9	None	None
1/27/08 0700	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	7	None	None
1/27/08 1200	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	5	None	None
1/27/08 1630	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	3	None	None
2/2/08 0620	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	1	None	None
2/2/08 1100	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	1	0	None	None
2/2/08 1100	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	1	15 (new card of 16)	None	None
2/2/08 1800	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	13	None	None
2/3/08 0630	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	11	None	None
2/3/08 1030	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	9	None	None
2/3/08 1500	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	7	None	None
2/3/08 1900	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	5	None	None
2/9/08 0650	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	3	None	None
2/9/08 1600	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	1	None	None

2/9/08 2100	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	1	0	None	None
2/16/08 0630	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	12	None	None
2/16/08 1030	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	10	None	None
2/16/08 1500	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	8	None	None
2/16/08 2100	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	6	None	None
2/17/08 0700	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	4	None	None
2/17/08 1200	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	2	None	None
2/17/08 1800	LC	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	0	None	None

Date/ Time Removed	Patient	Order	Medication Removed	Amount Removed	Amount Left	MAR	Nurses Notes
1/12/08 0700	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	14 (new card of 16)	None	None
1/12/08 1600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	12	None	None
1/13/08 0630	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	10	None	None
1/13/08 1100	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	8	None	None
1/13/08 1630	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	6	None	None
1/19/08	LW	Hydrocodone 7.5/500 1-	Hydrocodone	2	4	None	None

0615		2 Tablets PO Q 4-6 hrs PRN	7.5/500				
1/19/08 1030	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	2	None	None
1/19/08 1600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	0	None	None
1/20/08 1200	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	14 (new card of 16)	None	None
1/20/08 1600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	12	None	None
1/20/08 2030	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	10	None	None
1/26/08 0630	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	8	None	None
1/26/08 1100	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	6	None	None
1/26/08 1600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	4	None	None
1/27/08 1600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	2	None	None
2/2/08 0700	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	0	None	None
2/2/08 1100	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	14 (new card of 16)	None	None
2/2/08 1600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	12	None	None
2/3/08 0600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	10	None	None
2/3/08 1000	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	8	None	None

2/3/08 1430	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	6	None	None
2/3/08 1830	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	4	None	None
2/09/08 0600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	1	0	None	None
2/9/08 0600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	15 (new card of 16)	None	None
2/9/08 1000	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	13	None	None
2/9/08 1400	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	11	None	None
2/9/08 1900	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	9	None	None
2/10/08 0700	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	7	None	None
2/10/08 1100	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	5	None	None
2/10/08 1500	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	3	None	None
2/10/08 2000	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	1	None	None
2/16/08 0800	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	14 (new card of 16)	None	None
2/16/08 1500	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	12	None	None
2/16/08 2000	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	10	None	None
2/17/08 0700	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	8	None	None

2/17/08 1200	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	6	None	None
2/17/08 1600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	4	None	None
2/21/08 1600	LW	Hydrocodone 7.5/500 1- 2 Tablets PO Q 4-6 hrs PRN	Hydrocodone 7.5/500	2	3	None	None

Date/ Time Removed	Patient	Order	Medication Removed	Amount Removed	Amount Left	MAR	Nurses Notes
2/3/08 1500	MS	Hydrocodone 10-325 Give 1 Tablet rectally Q 4hrs PRN	Hydrocodone 10-325	1	13	None	None
2/3/08 2050	MS	Hydrocodone 10-325 Give 1 Tablet rectally Q 4hrs PRN	Hydrocodone 10-325	1	12	None	None
2/9/08 0640	MS	Hydrocodone 10-325 Give 1 Tablet rectally Q 4hrs PRN	Hydrocodone 10-325	1	7	None	None
2/9/08 1200	MS	Hydrocodone 10-325 Give 1 Tablet rectally Q 4hrs PRN	Hydrocodone 10-325	1	6	None	None
2/9/08 1600	MS	Hydrocodone 10-325 Give 1 Tablet rectally Q 4hrs PRN	Hydrocodone 10-325	1	5	None	None
2/9/08 2030	MS	Hydrocodone 10-325 Give 1 Tablet rectally Q 4hrs PRN	Hydrocodone 10-325	1	4	None	None
2/10/08 0630	MS	Hydrocodone 10-325 Give 1 Tablet rectally Q 4hrs PRN	Hydrocodone 10-325	1	3	None	None
2/10/08 1030	MS	Hydrocodone 10-325 Give 1 Tablet rectally Q 4hrs PRN	Hydrocodone 10-325	1	2	None	None
2/10/08 1500	MS	Hydrocodone 10-325 Give 1 Tablet rectally Q 4hrs PRN	Hydrocodone 10-325	1	1	None	None
2/10/08 1900	MS	Hydrocodone 10-325 Give 1 Tablet rectally Q 4hrs PRN	Hydrocodone 10-325	1	0	None	None

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

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

#### CHARGE II.

On or about January 5, 2008, through February 21, 2008, while employed with Elsie Gayer Health Care Center, San Angelo, Texas, part of Baptist Memorials Center, San Angelo, Texas, Respondent misappropriated Hydrocodone belonging to the facility and patient thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(6)(G)&(8).

#### CHARGE III.

On or about October 15, 2008, Respondent plead "Guilty" to "Fraud Possession Controlled Substance/Prescription" (a 3rd degree Felony committed on February 2, 2008) in the 51st District Court of Tom Green County, Texas, Cause Number A-08-0650-SA. As a result of the plea, Respondent received deferred adjudication and was placed on community supervision for a period of six years.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (13).

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


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

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

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

Filed this 28<sup>th</sup> day of September, 20 11.

TEXAS BOARD OF NURSING

  
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