



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 198174 §
issued to ELANA RAGAS PARKER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B_____, considered the matter of ELANA RAGAS PARKER, Vocational Nurse License Number 198174, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 14, 2011, by Katherine A. Thomas, MN, RN, FAAN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from West Jefferson Technical Institute, Harvey, Louisiana, on December 6, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on April 19, 2005.
5. Respondent's vocational nursing employment history includes:

4/2005 - 9/2008	LVN	Gulf Health Care Port Arthur, Texas
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Respondent's vocational nursing employment history continued:

9/2008 - 6/2009	LVN	Westnet Healthcare Inc. Houston, Texas
11/2008 - 1/2010	LVN	Port Arthur Home Health Services Port Arthur, Texas
6/2009 - 3/2010	LVN	Cypress Glen East Port Arthur, Texas
3/2010 - Present	LVN	Senior Rehabilitation Nursing Home Port Arthur, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Port Arthur Home Health Services, Port Arthur, Texas, and had been in this position for one (1) year and one (1) month.
7. On or about December 29, 2009, while employed with Port Arthur Home Health Services, Port Arthur, Texas, Respondent engaged in the intemperate use of Marijuana and Cocaine in that she submitted a specimen for a drug screen which resulted positive for Marijuana and Cocaine. Additionally, it was reported that Respondent asked Patient S. S. for drugs during a home visit. Possession of Marijuana and Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Marijuana and Cocaine by a Licensed Vocational 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.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she administered the patient's wound care treatments and immediately left his apartment when finished. She did not mention anything about drugs to this patient. Respondent adds that she was shocked when informed of the call stating that she asked the patient for drugs and did not hesitate when asked to submit a drug screen. Respondent states that at the end of Monday she was asked to turn in her work bag due to testing positive for Marijuana and Cocaine. Respondent adds that she submitted a second drug screen the following day which resulted negative. Respondent states that she informed TPAPN that she would not qualify for the program because she is not on drugs; however, she states that she is willing to do whatever is necessary to keep her license and is willing to return to TPAPN if needed.
9. The Respondent's conduct described in the preceding Finding of Fact Number Seven (7) was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
11. Respondent's conduct described in Finding of Fact Number Seven (7) was significantly influenced by Respondent's impairment by dependency on chemicals.
12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(5), (10)(A),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 198174, heretofore issued to ELANA RAGAS PARKER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

- (1) RESPONDENT SHALL, within forty-five (45) days following the date of entry

of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

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

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

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

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

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result

in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

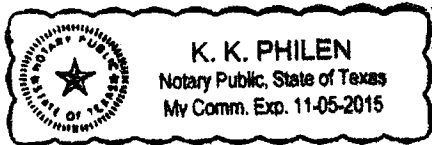
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of JANUARY, 2012.

Elana Ragas Parker
ELANA RAGAS PARKER, Respondent

Sworn to and subscribed before me this 10th day of JANUARY, 2012.

SEAL




Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 6th day of January, 2012, by ELANA RAGAS PARKER, Vocational Nurse License Number 198174, and said Order is final.



Entered and effective this 10th day of January, 2012.


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