

0012987



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.
William C. Thomas
Executive Director of the Board

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

MARGRET ANNE FOSTER

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 129874, held by MARGRET ANNE FOSTER, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas, in the following manner:

I.

a. On or about April 30, 1997, the Board of Vocational Nurse Examiners received a written referral from the Texas Peer Assistance Program for Nurses (TPAPN) alleging that Respondent had declined to participate in their program.

AGREED BOARD ORDER

RE: MARGRET ANNE FOSTER, LVN #129874

PAGE 2

II.

a. Respondent was employed as a Licensed Vocational Nurse at University Hills Nursing Center in Bryan, Texas, from about January 9, 1995, through about January 31, 1997.

b. While so employed at said facility on or about December 13, 1996, Respondent's employer requested that she submit to a random drug screen. Said screen was "for cause", drugs missing from the facility. On or about December 16, 1996, said facility was notified that said screen revealed a positive reading for BENZODIAZEPINES, to wit: OXAZEPAM AND DIAZEPAM.

c. Subsequently, on or about January 31, 1997, Respondent's employment with University Hills Nursing Center was terminated, based upon the positive drug screen.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 129874, heretofore issued to MARGRET ANNE FOSTER, to practice vocational nursing in the State of Texas be, and the same is hereby suspended, with said suspension stayed and placed on probation for a period of two (2) years.

AGREED BOARD ORDER

RE: MARGRET ANNE FOSTER, LVN #129874

PAGE 3

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Respondent shall work only under the supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Respondent's shift assignment(s), throughout the term of probation.
7. That Respondent shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.
8. That Respondent shall not be the only licensed medical professional in the facility throughout the term of probation.
9. That Respondent shall not have access to mood altering medications in the workplace during the first six (6) months of probation.
10. That Respondent shall attend weekly meetings of a Chemical Dependency Support Group (AA/NA), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
11. That Respondent shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's history, and it is incumbent upon Respondent to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.

AGREED BOARD ORDER

RE: MARGRET ANNE FOSTER, LVN #129874

PAGE 4

12. That Respondent shall submit to monthly blood alcohol and urine drug screen(s) upon demand of the Board staff for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall submit to random periodic blood alcohol and urine drug screen(s) upon demand of the Board staff throughout the term of probation. Respondent shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. The report of a positive drug screen shall be considered a violation of probation.

13. That Respondent shall provide the Board a telephone number by which Respondent may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Respondent must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. 12. An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.

14. That Respondent shall obtain counseling (LCDC) and shall be responsible for causing his/her counselor to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The expense of said counseling shall be borne by Respondent. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

15. That Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: Legal Aspects of Nursing (to include Charting, & Patient Confidentiality) (at least 8 hours in length), Nursing Ethics (at least 8 hours in length), and submit documentation of successful course completion to the Board office within the first year of probation. Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Respondent. Failure to successfully complete said course(s) within the time-frame stipulated, shall be considered a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

00129874

AGREED BOARD ORDER

RE: MARGRET ANNE FOSTER, LVN #129874

PAGE 5

Dated this the 17th day of November, 1997.

Margret Anne Foster
Signature of Respondent

3117 Heatherwood Dr.
Current Address

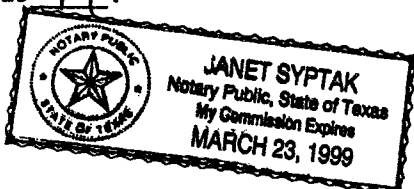
Bryan TX 77801
City, State and Zip

4091 823-1233
Area Code and Telephone Number

The State of Texas
County of Brazos

Before me, the undersigned authority, on this day personally appeared MARGRET ANNE FOSTER, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

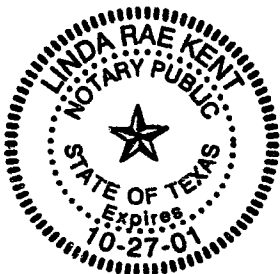
SWORN TO AND SUBSCRIBED before me on this the 17 day of November, 1997.



Janet Syptak
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires March 23, 1999

Marjorie A. Bronk, R.N.
Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 2nd day of December, 1997.



Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

00129874

AGREED BOARD ORDER

RE: MARGRET ANNE FOSTER, LVN #129874

PAGE 6

ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 129874
Issued to Margret Anne Foster

At its regularly called session, on the 9th day of December 1997, came on to be considered the indicated Agreed Board Order pertaining to Margret Anne Foster. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 9th day of December 1997.

Gloria J. J. J.
Robert J. J. J.
Carol J. J. J.
Vernie J. J. J.
Betty J. J. J.
John J. J. J.
Deanna J. J. J.
William J. J. J.

Melba J. J. J.
Joseph J. J. J.



00129874

BOARD ORDER

RE: MARGRET ANNE FOSTER, LVN #129874

PAGE: 7

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 19 97,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

MARGRET ANNE FOSTER
3117 HEATHERWOOD DR.
BRYAN, TX 77801

Marjorie A Bronk, RN
Marjorie A. Bronk, RN
Executive Director
Agent for the Board of Vocational Nurse Examiners



BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400
AUSTIN, TEXAS 78701
512/305-8100

00129874

January 25, 2000

MARGRET FOSTER
3117 HEATHERWOOD DR
BRYAN TX 77801

Dear Ms. Foster:

You have successfully completed your term of probation as stipulated by the Board of Vocational Nurse Examiners.

All pertinent information will remain in your permanent records. We urge you in the future to promote and uphold the ethical standards a Licensed Vocational Nurse should practice.

If you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolyn Hudson".

Carolyn Hudson
Investigator

/ch