



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.
Patricia Thomas
Executive Director of the Board

**In the Matter of Permanent License
Number 207157, Issued to
EILEEN CARNEY, Respondent**

§ **BEFORE THE TEXAS**
§
§ **BOARD OF NURSING**

ORDER OF TEMPORARY SUSPENSION

**TO: Eileen Carney
6901 North Beach Street, Apt.#1025
Fort Worth, Texas 76137**

A public meeting of the Texas Board of Nursing was held on September 12, 2011 at 333 Guadalupe, Room 2-225, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 207157, issued to EILEEN CARNEY was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented information and evidence concerning the conduct of EILEEN CARNEY and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

CHARGE I.

On or about June 6, 2011, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on September 10, 2009. Non-compliance is the result of Respondent's failure to submit to random drug screens as required by the TPAPN participation agreement. Stipulation Number Three (3) of the Agreed Order dated September 10, 2009, states in pertinent part that:

(3) Respondent shall comply with all requirements of the TPAPN participation agreement during its term. . .

On June 6, 2011, Respondent was dismissed from TPAPN and referred to the Board. A copy of the Agreed Order dated September 10, 2009, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

The Texas Board of Nursing further finds, after review and due consideration of the evidence and information presented during the open meeting that given the nature of the allegations concerning Respondent's fitness to practice, the continued practice of nursing by EILEEN CARNEY constitutes a continuing and imminent threat to public welfare and that the temporary suspension of the Vocational Nurse License No. 207157 is justified pursuant to Section 301.4551,

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 207157, issued to EILEEN CARNEY, to practice nursing in the State of Texas be, and the same is hereby, SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 12th day of September, 20 11.

TEXAS BOARD OF NURSING

BY:

Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 207157, Issued to	§	
EILEEN CARNEY, Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, EILEEN CARNEY, is a Vocational Nurse holding license number 207157, 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 June 6, 2011, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on September 10, 2009. Non-compliance is the result of Respondent's failure to submit to random drug screens as required by the TPAPN participation agreement. Stipulation Number Three (3) of the Agreed Order dated September 10, 2009, states in pertinent part that:

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The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

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 Nursing Practice Act, Chapter 301, Texas Occupations Code and 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.

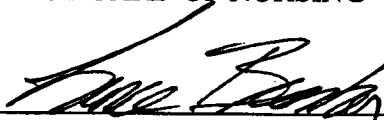
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder which can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

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.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated September 10, 2009.

Filed this 12th day of September, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated September 10, 2009.

D/2010.12.28

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse	§	AGREED
License Number 207157	§	
issued to EILEEN CARNEY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EILEEN CARNEY, Vocational Nurse License Number 207157, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 27, 2009, by Katherine A. Thomas, MN, RN, 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.
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 Middlesex County Vocational Tech School, East Brunswick, New Jersey, on November 1, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on October 26, 2006.
5. Respondent's vocational nursing employment history includes:

10/06-08/07	LVN	North Pointe Nursing & Rehab Watauga, Texas
-------------	-----	--

Respondent's vocational nursing employment history continued:

08/07-10/08	LVN	Keller Oaks Healthcare Center North Richland Hills, Texas
10/08-11/08	LVN	Life Care Center of Haltom Fort Worth, Texas
12/08-Present	Unknown	

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Life Care Center of Haltom, Fort Worth, Texas, and had been in this position for approximately two (2) weeks.
7. On or about October 31, 2008 through November 1, 2008, while employed as a Licensed Vocational Nurse with Life Care Center of Haltom, Fort Worth, Texas, Respondent misappropriated Ambien, Xanax, and Hydrocodone belonging to the facility and residents thereof. Respondent was in possession of the medications when she was arrested by the Watauga Police Department, Watauga, Texas, on November 1, 2008. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
9. 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.
10. Respondent submitted a letter to the Texas Board of Nursing dated June 28, 2009, in which she states, "The charge is accurate. I am requesting that I may remain in TPAPN and keep my nursing license. I have a problem and have sought treatment for it. I have completed a 90-day inpatient program for substance abuse and I am currently in a residential treatment program. I am looking forward to going back to work as a clean and sober nurse. My sobriety date is January 1, 2009. I attend NA/AA meetings on a regular basis as well as a TPAPN support group."
11. A letter was submitted to the Board by W. Craig Knight, MA, LPC, dated June 23, 2009, in which he states that the Respondent "is currently a participant in the Tarrant County D.I.R.E.C.T. Court Program, a substance abuse program. Upon completion of the program, all charges will be dismissed."
12. Formal Charges were filed on May 4, 2009.

13. Formal Charges were mailed to Respondent on May 6, 2009.
14. Respondent's conduct described in Finding of Fact Number Seven (7) resulted from Respondent's dependency on chemicals.
15. 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 violations of Section 301.452(b)(10), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.12(6)(G),(8),(10)(E)&(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 207157, heretofore issued to EILEEN CARNEY, including revocation of Respondent's license 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):

RESPONDENT SHALL deliver the wallet-sized license issued to EILEEN CARNEY, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(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 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 multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

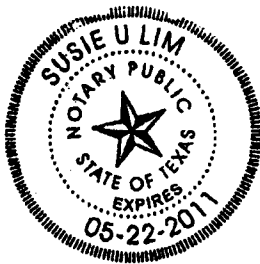
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18 day of August, 2009.

Eileen Carney
EILEEN CARNEY, Respondent

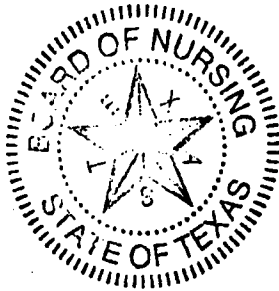
Sworn to and subscribed before me this 18 day of August, 2009.

SEAL




Susie Ulim
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 18th day of August, 2009, by EILEEN CARNEY, Vocational Nurse License Number 207157, and said Order is final.



Entered and effective this 10th day of September, 2009.


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

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 207157, Issued to	§	
EILEEN CARNEY, Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, EILEEN CARNEY, is a Vocational Nurse holding license number 207157, 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 June 6, 2011, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on September 10, 2009. Non-compliance is the result of Respondent's failure to submit to random drug screens as required by the TPAPN participation agreement. Stipulation Number Three (3) of the Agreed Order dated September 10, 2009, states in pertinent part that:

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The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

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 Nursing Practice Act, Chapter 301, Texas Occupations Code and 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.

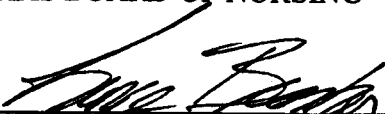
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated September 10, 2009.

Filed this 12th day of September, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
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Attachments: Order of the Board dated September 10, 2009.

D/2010.12.28

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse	§	AGREED
License Number 207157	§	
issued to EILEEN CARNEY	§	ORDER

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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 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 Middlesex County Vocational Tech School, East Brunswick, New Jersey, on November 1, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on October 26, 2006.
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6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Life Care Center of Haltom, Fort Worth, Texas, and had been in this position for approximately two (2) weeks.
7. On or about October 31, 2008 through November 1, 2008, while employed as a Licensed Vocational Nurse with Life Care Center of Haltom, Fort Worth, Texas, Respondent misappropriated Ambien, Xanax, and Hydrocodone belonging to the facility and residents thereof. Respondent was in possession of the medications when she was arrested by the Watauga Police Department, Watauga, Texas, on November 1, 2008. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
9. 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.
10. Respondent submitted a letter to the Texas Board of Nursing dated June 28, 2009, in which she states, "The charge is accurate. I am requesting that I may remain in TPAPN and keep my nursing license. I have a problem and have sought treatment for it. I have completed a 90-day inpatient program for substance abuse and I am currently in a residential treatment program. I am looking forward to going back to work as a clean and sober nurse. My sobriety date is January 1, 2009. I attend NA/AA meetings on a regular basis as well as a TPAPN support group."
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14. Respondent's conduct described in Finding of Fact Number Seven (7) resulted from Respondent's dependency on chemicals.
15. 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 violations of Section 301.452(b)(10), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.12(6)(G),(8),(10)(E)&(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 207157, heretofore issued to EILEEN CARNEY, including revocation of Respondent's license 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):

RESPONDENT SHALL deliver the wallet-sized license issued to EILEEN CARNEY, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(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.

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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 multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

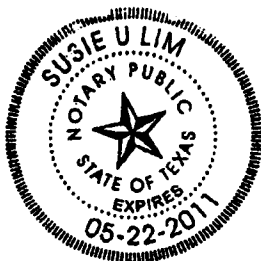
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Signed this 18 day of August, 2009.

Eileen Carney
EILEEN CARNEY, Respondent

Sworn to and subscribed before me this 18 day of August, 2009.

SEAL




Susie Ulm
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 18th day of August, 2009, by EILEEN CARNEY, Vocational Nurse License Number 207157, and said Order is final.



Entered and effective this 10th day of September, 2009.


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