

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 646744, Issued to
TIFFANY GEHLHAAR, Respondent**

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

ORDER OF TEMPORARY SUSPENSION

TO: Tiffany Gehlhaar
5103 Risada
San Antonio, Texas 78233

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 Registered Nurse License Number 646744, issued to TIFFANY GEHLHAAR 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 TIFFANY GEHLHAAR 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 24, 2011, while participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a drug screen which resulted positive for alcohol metabolites Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS). 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(10)(D).

CHARGE II.

On or about July 5, 2011, while participating in the TPAPN, Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a drug screen which resulted positive for alcohol metabolites Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS) and she admitted to drinking a beer. 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.

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CHARGE III.

On or about July 5, 2011, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on December 10, 2010. Respondent failed to comply with all the requirements of the TPAPN participation agreement, as required by Stipulation Number Three (3) of the Agreed Order dated December 10, 2010, which reads as follows:

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

On July 11, 2011, Respondent was dismissed from TPAPN and referred to the Board. A copy of the Agreed Order dated December 10, 2010, 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 TIFFANY GEHLHAAR constitutes a continuing and imminent threat to public welfare and that the temporary suspension of the Registered Nurse License No. 646744 is justified pursuant to Section 301.4551,

TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 646744, issued to TIFFANY GEHLHAAR, 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, MN, RN
EXECUTIVE DIRECTOR

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 646744, Issued to §
TIFFANY GEHLHAAR, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TIFFANY GEHLHAAR, is a Registered Nurse holding license number 646744, 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 24, 2011, while participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a drug screen which resulted positive for alcohol metabolites Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS). 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.

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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. and TEX. OCC. CODE Ch. 53. 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.

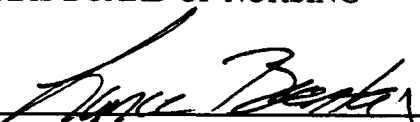
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder which can be found at the Board's website, www.bon.state.tx.us.

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 December 13, 2010.

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 December 13, 2010.

D/2010.12.28

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 646744 §
issued to TIFFANY GEHLHAAR § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TIFFANY GEHLHAAR, Registered Nurse License Number 646744, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(12), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 22, 2010, 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 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.
4. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on October 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on December 2, 1997.
5. Respondent's professional nursing employment history includes:
12/1997 - 10/2003 Employment history unknown

Respondent's professional nursing employment history continued:

10/2003 - 08/2005	RN	Caremark Prescription Services
08/2005 - 11/2006	RN	LifeMasters
11/2006 - 09/2008	RN	OptumHealth San Antonio, Texas
09/2008 - Present	Employment history unknown,	

6. At the time of the initial incident, Respondent was employed as a registered nurse with Optum Health, San Antonio, Texas, and had been in this position for one (1) year and five (5) months.
7. On or about May 2008 through June 2008 while employed as a Register Nurse with OptumHealth, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she had slurred speech, smelled of alcohol about her person, exhibited slow reasoning and nystagmus, and displayed agitation and reactions that were inappropriate. Respondent's condition 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 patients in potential danger.
8. On or about August 27, 2008 while employed as a Register Nurse with OptumHealth, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she appeared very belligerent, her eyes were bloodshot; and appeared to have nystagmus. Respondent's condition 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 patients in potential danger.
9. On or about September 2, 2008 while employed as a Register Nurse with Optum Health, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she was yelling, causing disruptions, and had smell of alcohol on her breath. Respondent's condition 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 patients in potential danger.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states: "I experienced agitation at work. Optum pushed all employees to do what was right for the company, not the patient. There were no reports that I lacked fitness to practice, had slurred

speech or smelled of alcohol. My reasoning was not slow, as evidenced by my continuous ability to work around multiple problems based on training. No class surveys suggested that a lack of fitness to do my job. If my eyes were blood shot, it would be from staring at the computer for screen for 10 hours straight to teach back to back classes from a lap top. At no time did I have nystagmus. Unfortunately the United Health process was not for me and I resigned on September 3, 2008. I arrived off my shift at 4:30 pm and cleared my desk. I shook my supervisors hand and thanked her for the opportunity to work with her. (Yelling? I think not.) I then cut up my company credit card, placed it in an envelope and gave it to the administrative assistant. In the envelope was the badge with my picture, it cut it up as well for security purposes. (Disruptions? Not hardly.) Alcohol on my breath? No sir. I had been at another call center all day long and left to drive across the street to Optum. There would be no way alcohol could be on my breath as there wouldn't have been sufficient amount of time to obtain any."

11. On May 10, 2010 and June 13, 2010, Respondent completed a psychological evaluation performed Dr. John K. Reid. Dr. Reid concludes the Respondent seems not to fully have insight into how these problems are causing her to make poor decisions in her life. For example, despite the illogic of doing so, she did not admit to the problems alcohol consumption caused her in her work setting. She blamed her husband for her working out of town and being lonely, which caused her to drink heavily. The Respondent blamed a coworker at the job for reporting her as being intoxicated at work, simply because the woman did not like her. At this time it is not possible to predict with reasonable psychological certainty that she will be able to consistently behave in accordance with Board rules and generally accepted nursing standards, or to determine that she would avoid unprofessional conduct. It is recommended that she continue AA meetings and psychotherapy with more regularity and openness. Should she achieve sufficient progress, perhaps the Board will reconsider her application at some point in the future.
12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. 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.
14. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Ten (10) was significantly influenced by Respondent's impairment by 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)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(E),(4),(5)&(10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 646744, heretofore issued to TIFFANY GEHLHAAR, 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 TIFFANY GEHLHAAR, 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 five hundred dollars (\$500.00) 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 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 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

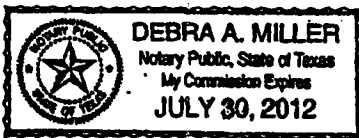
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3 day of December 10.

Tiffany Gerlhaar
TIFFANY GERLHAAR, Respondent

Sworn to and subscribed before me this 3 day of December, 2010.

SEAL



Anna Amelio
Notary Public in and for the State of TX

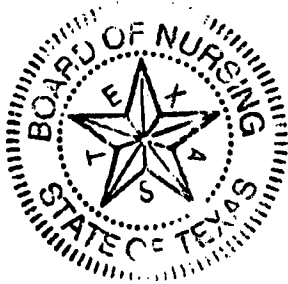
Approved as to form and substance.

Peter Susca
Peter Susca, Attorney for Respondent

Signed this 3rd day of Dec, 2010.

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 3rd day of December, 2010, by TIFFANY GEHLHAAR, Professional Nurse License Number 646744, and said Order is final.

Entered and effective this 10th day of December, 2010.



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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 646744, Issued to §
TIFFANY GEHLHAAR, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TIFFANY GEHLHAAR, is a Registered Nurse holding license number 646744, 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.

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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 Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. and TEX. OCC. CODE Ch. 53. 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.

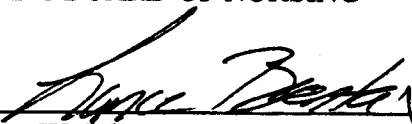
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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated December 13, 2010.

Filed this 12th day of September, 2011.

TEXAS BOARD OF NURSING



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TEXAS BOARD OF NURSING

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P: (512) 305-6824
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Attachments: Order of the Board dated December 13, 2010.

D/2010.12.28

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 646744 §
issued to TIFFANY GEHLHAAR § 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
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09/2008 - Present	Employment history unknown,	

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9. On or about September 2, 2008 while employed as a Register Nurse with Optum Health, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she was yelling, causing disruptions, and had smell of alcohol on her breath. Respondent's condition 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 patients in potential danger.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states: "I experienced agitation at work. Optum pushed all employees to do what was right for the company, not the patient. There were no reports that I lacked fitness to practice, had slurred

speech or smelled of alcohol. My reasoning was not slow, as evidenced by my continuous ability to work around multiple problems based on training. No class surveys suggested that a lack of fitness to do my job. If my eyes were blood shot, it would be from staring at the computer for screen for 10 hours straight to teach back to back classes from a lap top. At no time did I have nystagmus. Unfortunately the United Health process was not for me and I resigned on September 3, 2008. I arrived off my shift at 4:30 pm and cleared my desk. I shook my supervisors hand and thanked her for the opportunity to work with her. (Yelling? I think not.) I then cut up my company credit card, placed it in an envelope and gave it to the administrative assistant. In the envelope was the badge with my picture, it cut it up as well for security purposes. (Disruptions? Not hardly.) Alcohol on my breath? No sir. I had been at another call center all day long and left to drive across the street to Optum. There would be no way alcohol could be on my breath as there wouldn't have been sufficient amount of time to obtain any."

11. On May 10, 2010 and June 13, 2010, Respondent completed a psychological evaluation performed Dr. John K. Reid. Dr. Reid concludes the Respondent seems not to fully have insight into how these problems are causing her to make poor decisions in her life. For example, despite the illogic of doing so, she did not admit to the problems alcohol consumption caused her in her work setting. She blamed her husband for her working out of town and being lonely, which caused her to drink heavily. The Respondent blamed a coworker at the job for reporting her as being intoxicated at work, simply because the woman did not like her. At this time it is not possible to predict with reasonable psychological certainty that she will be able to consistently behave in accordance with Board rules and generally accepted nursing standards, or to determine that she would avoid unprofessional conduct. It is recommended that she continue AA meetings and psychotherapy with more regularity and openness. Should she achieve sufficient progress, perhaps the Board will reconsider her application at some point in the future.
12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. 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.
14. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Ten (10) was significantly influenced by Respondent's impairment by 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)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(E),(4),(5)&(10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 646744, heretofore issued to TIFFANY GEHLHAAR, 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 TIFFANY GEHLHAAR, 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 five hundred dollars (\$500.00) 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 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 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

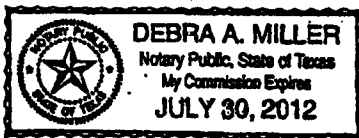
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3 day of December 10.

Tiffany Gerlhaar
TIFFANY GERLHAAR, Respondent

Sworn to and subscribed before me this 3 day of December, 2010.

SEAL



Maria Amelio
Notary Public in and for the State of TX

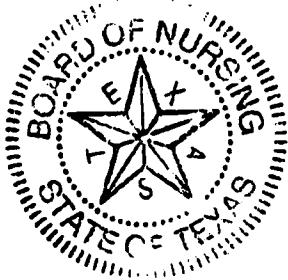
Approved as to form and substance.

Peter Susca
Peter Susca, Attorney for Respondent

Signed this 3rd day of Dec, 2010.

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 3rd day of December, 2010, by TIFFANY GEHLHAAR, Professional Nurse License Number 646744, and said Order is final.

Entered and effective this 10th day of December, 2010.



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