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Katherine A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 666296 § AGREED
issued to AMANDA GAY POYNER § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of AMANDA GAY POYNER, License Number 666296, 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 conference, notice and hearing, and agreed to the entry of this Order offered on May 2, 2003, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 conference, 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 Tyler Junior College, Tyler, Texas, on December 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas, on February 1, 2000.

5. Respondent's professional employment history includes:

February 2000 - November 2002 Staff Nurse
 Mother Frances Hospital
 Tyler, Texas

November 2002 - present Agency Nurse
 Excell Nursing Agency
 Tyler, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse at Mother Frances Hospital, Tyler, Texas, and had been employed in this position for one (1) year and eight (8) months.

7. On or about September 2001, while employed at Mother Frances Hospital, Tyler, Texas, Respondent withdrew four (4) vials of Demerol 25 mg from the Acudose Medication System for patient I.T., documented the administration of one (1) Demerol 25 mg in the medical records of patient I.T., but failed to follow the policy and procedure for the wastage of the remaining three (3) vials of Demerol 25 mg. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. On or about September 2001, while employed at Mother Frances Hospital, Tyler, Texas, Respondent withdrew medications from the Acudose Medication System for patients but failed to accurately and completely document the administration of the medications in patients' Medication Administration Record, as follows:

Date/Time	Patient	Physician's Order	Narcotic Record (Acudose)	Medication Administration Record	Comments	Waste
9/14/01 @ 7:35 am	L.B.	Vicodin 1-2 tabs q4 hr prn	Hydrocodone 4 tabs	2-tabs given at 7:30 am 2-tabs given at 10:00 am	10:00 am administration was 2 hr 25 min after withdrawal	None
9/14/01 @ 11:17 am	L.B.	Vicodin 1-2 tabs q4 hr prn	Hydrocodone 2 tabs	Not documented	No documentation of waste.	None
9/27/01 @ 12:58 pm	G.M.	Lorcet 10 1 tab PO q4-6 h prn	Hydrocodone 2 tabs	1-tab given at 8:30 am 1-tab given at 1:15 pm	First tab given 4 hr 28 min before withdrawal.	None
9/22/01 @ 1:48 pm	S.G.	Vicodin 1-2 tabs q4 hr prn pain	Hydrocodone 2 tabs	2-tabs given at 8:00 am	Medication given 5 hr 48 min before withdrawal	None
9/22/01 @ 2:24 pm	S.G.	Vicodin 1-2 tabs q4 hr prn pain	Hydrocodone 2 tabs	2-tabs given at 11:30 am	Medication given 2 hr 54 min before withdrawal	None

Date/ Time	Patient	Physician's Order	Narcotic Record (Acudose)	Medication Administration Record	Comments	Waste
9/23/01 @ 9:06 am	I.T.	Darvocet 2 tabs PO q3-4 hr prn	Propoxyphene 8 tabs	2-tabs given at 9:00 am 2-tabs given at 11:15 am 2-tabs given at 1:00 pm	Medication given up to 3 hr 54 min after withdrawal.	1-tab returned at 8:00 pm. One tab not accounted for.

Respondent's conduct above 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 and placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

9. On April 16, 2003. Respondent submitted to a Forensic Psychiatric Evaluation including a Polygraph, conducted by John M. Lehman, Ph.D., Clinical Psychologist. Dr. Lehman states, "The assessment indicates that Ms. Poyner does not have a problem with substance abuse. The situation at Mother Frances appears to be the result of her anxiety, disorganization, lack of foresight and a desire to please everyone rather than to follow rules. She has significant difficulties with foresight of consequences, especially if nervous or anxious and this causes her not to think as clearly and sequentially as necessary. She needs to address these anxiety issues in therapy. If she learns to manage her anxiety problems, it is expected that she would be able to work more consistently and sequentially than she has up to this point. There do not appear to be any indications of depression. Her cognitive skills are adequate when she is in a fairly calm environment, but when anxious her focus and attention declines. These issues pose some risk to patients unless she does something to address these issues. Involvement in a therapy process to address anxiety issues and to help her deal with things in a calmer and more sequential way is recommended. Involvement in therapy should be mandated to address her anxiety issues."

Dr. Lehman recommends the following, "Ms. Poyner is fit to practice as a nurse within a limited scope of work environments. It is recommended that she not practice in high stress areas of nursing such as intensive care, surgery or an emergency room, or others which the BNE might deem high stress. She should function adequately on medical units, in nursing homes, etc. Ms. Poyner needs to involve herself in a course of psychotherapy to address her anxiety issues. She does not appear to be chemically dependent or to abuse chemicals. I do not believe she is a high risk to patients or the public due to any chemical dependency/abuse issues. Her practice should be monitored by BNE for at least a year to assure that she is performing adequately."

10. Respondent took the Nursing Jurisprudence course which would have been a requirement of this Order on November 6, 2003, has already engaged in practices that will prevent the previous concerns from being repeated, and has initiated her counseling therapy sessions.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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, and 22 TEX. ADMIN. CODE §217.12(4),(12)&(18).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 666296, heretofore issued to AMANDA GAY POYNER, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to AMANDA GAY POYNER, to the office of the Board of Nurse Examiners within ten (10) days from date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Registered Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(5) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) RESPONDENT SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, recovery rooms, and labor and delivery units.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

(8) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. The therapy shall address her anxiety issues and RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional 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. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 2 day of Jan, 2004
Amanda Gay Poyner
AMANDA GAY POYNER, Respondent

Sworn to and subscribed before me this 2 day of Jan, 2004
Candy Sue Hall
Notary Public in and for the State of TEXAS

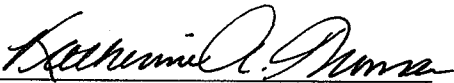


Approved as to form.

Nancy Roper Willson
NANCY ROPER WILLSON, Attorney for Respondent

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of January, 20 04, by AMANDA GAY POYNER, License Number 666296, and said Order is final.

Effective this 22nd day of January, 20 04.


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