



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

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In the Matter of Registered Nurse § AGREED  
License Number 732767 §  
issued to HEATHER ELIZABETH BEMROSE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of HEATHER ELIZABETH BEMROSE, Registered Nurse License Number 732767, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 7, 2011, 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(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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Galveston College, Galveston, Texas, on May 18, 2006. Respondent was licensed to practice professional nursing in the State of Texas on August 15, 2006.
5. Respondent's nursing employment history includes:
 

07/06 - 08/07	RN	Memorial Hermann Texas Medical Center Houston, Texas
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Respondent's professional nursing employment history continued:

09/07 - 01/10                      RN                      Mainland Medical Center  
Texas City, Texas

02/10 - Present                      Unknown

6. At the time of the initial incident, Respondent was employed as a registered nurse with Memorial Hermann Texas Medical Center, Houston, Texas, and had been in this position for one (1) year.
7. On or about July 3, 2007 through July 21, 2007, while employed as a Registered Nurse with Memorial Hermann Texas Medical Center, Houston, Texas, Respondent withdrew Hydrocodone, Hydromorphone, and Diazepam from the Medication Dispensing System for patients in excess frequency and/or dosage from the physician's order, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record
07/03/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 1254	Not Documented
			Norco (1) @ 1635	Not Documented
07/07/07	7-9367	Hydromorphone 1mg q2hrs PRN	Hydromorphone (2mg) @ 0734	(1mg) @ 0742
			Hydromorphone (2mg) @ 0800	Not Documented
07/13/07	6-9367	Hydrocodone/ APAP 5/500 2 tabs q4hrs PRN	Hydrocodone/APAP 5/500 (2) @ 1413	Not Documented
			Hydrocodone/APAP 5/500 (1) @ 1413	Not Documented
07/21/07	7-9367	Diazepam 2.5mg q8hrs	Diazepam (10mg) @ 2004	(2.5mg) @ 1807
				(2.5mg) @ 1808
07/21/07	7-9367	Hydromorphone 1mg q2hrs PRN	Hydromorphone (2mg) @ 1319	Not Documented
			Hydromorphone (2mg) @ 1446	Not Documented
			Hydromorphone (2mg) @ 1620	Not Documented

Respondent's conduct was likely to injure the patient in that the administration of Hydrocodone, Hydromorphone, and Diazepam in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions and is in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

8. On or about July 1, 2007 through July 21, 2007, while employed as a Registered Nurse with Memorial Hermann Texas Medical Center, Houston, Texas, Respondent withdrew Hydrocodone, Hydromorphone, and Morphine from the Medication Dispensing System for patients, but failed to completely and accurately document the administration of the medication in the patient's Medication Administration Record and/or Nurse's Notes, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record	Nurses Notes
07/01/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 1737	Not Documented	
07/02/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 0934	Not Documented	
07/02/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 1345	Not Documented	
07/03/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 0756	Not Documented	
07/03/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 1254 Norco (1) @ 1635	Not Documented Not Documented	
07/07/07	7-9367	Hydromorphone 1mg q2hrs PRN	Hydromorphone (2mg) @ 0800 Hydromorphone (2mg) @ 1019	Not Documented Not Documented	
07/07/07	7-9367	Hydromorphone 1mg q2hrs PRN	Hydromorphone (2mg) @ 1215	Not Documented	Pt in surgery from 1127-1230
07/13/07	7177	Morphine 2mg q2hrs PRN	Morphine (2mg) @ 0758 Morphine (2mg) @ 1722	Not Documented Not Documented	
07/13/07	6-9367	Hydrocodone/ APAP 5/500 2 tabs q4hrs PRN	Hydrocodone/APAP 5/500 (2) @ 1413 Hydrocodone/APAP 5/500 (1) @ 1413	Not Documented Not Documented	
07/14/07	7194	Hydrocodone/ APAP 5/500 2 tabs q4hrs	Hydrocodone/APAP 5/500 (2) @ 1825	Not Documented	
07/20/07	7170	Morphine PCA 30mg PRN	Morphine PCA 30mg @ 0720	Not Documented	0700- "asked if needed more pain meds, pt denied"
07/21/07	7-9367	Hydromorphone 1mg q2hrs PRN	Hydromorphone (2mg) @ 1319 Hydromorphone (2mg) @ 1446 Hydromorphone (2mg) @ 1620	Not Documented Not Documented Not Documented	

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.

- On or about July 1, 2007 through July 21, 2007, while employed as a Registered Nurse with Memorial Hermann Texas Medical Center, Houston, Texas, Respondent withdrew Hydrocodone, Hydromorphone, Morphine, and Diazepam from the Medication Dispensing System for patients, but failed to follow the policy and procedure for wastage of the medications, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record	Wastage
07/01/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 1737	Not Documented	No Wastage
07/02/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 0934	Not Documented	No Wastage
07/02/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 1345	Not Documented	No Wastage
07/03/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 0756	Not Documented	No Wastage
07/03/07	7182	Norco 10/325 1 tab q4hrs PRN	Norco (1) @ 1254 Norco (1) @ 1635	Not Documented Not Documented	No Wastage No Wastage
07/07/07	7-9367	Hydromorphone 1mg q2hrs PRN	Hydromorphone (2mg) @ 0734 Hydromorphone (2mg) @ 0800 Hydromorphone (2mg) @ 1019	(1mg) @ 0742 Not Documented Not Documented	No Wastage No Wastage No Wastage
07/07/07	7-9367	Hydromorphone .02mg once for dressing change	Hydromorphone (2mg) @ 0916	0916-"Not given due to patient being taken to OR emergently"	No Wastage
07/07/07	7-9367	Hydromorphone 1mg q2hrs PRN	Hydromorphone (2mg) @ 1215	Not Documented	No Wastage
07/13/07	7177	Lortab Elixir (500- 7.5/15mL) q6hrs 10mL	Lortab (15mL) @ 0758 Lortab (15mL) @ 1717	(10mL) @ 1000 (10mL) @ 1712	No Wastage No Wastage
07/13/07	7177	Morphine 2mg q2hrs PRN	Morphine (2mg) @ 0758 Morphine (2mg) @ 1722	Not Documented Not Documented	No Wastage No Wastage
07/13/07	6-9367	Hydrocodone/ APAP 5/500 2 tabs q4hrs PRN	Hydrocodone/APAP 5/500 (2) @ 1413 Hydrocodone/APAP 5/500 (1) @ 1413	Not Documented Not Documented	No Wastage No Wastage
07/14/07	7194	Hydrocodone/ APAP 5/500 2 tabs q4hrs	Hydrocodone/APAP 5/500 (2) @ 1825	Not Documented	No Wastage
07/20/07	7170	Morphine PCA 30mg PRN	Morphine PCA 30mg @ 0720	Not Documented	No Wastage
07/21/07	7-9367	Diazepam 2.5mg q8hrs	Diazepam (10mg) @ 2004	(2.5mg) @ 1807 (2.5mg) @ 1808	No Wastage
07/21/07	7-9367	Hydromorphone 1mg q2hrs PRN	Hydromorphone (2mg) @ 1319 Hydromorphone (2mg) @ 1446 Hydromorphone (2mg) @ 1620	Not Documented Not Documented Not Documented	No Wastage No Wastage No Wastage
07/21/07	7-9367	Hydromorphone 1mg q2hrs PRN	Hydromorphone (2mg) @ 1949	(1mg) @ 1957	No Wastage

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).

10. On or about July 7, 2007 through July 21, 2007, while employed as a Registered Nurse with Memorial Hermann Texas Medical Center, Houston, Texas, Respondent withdrew Hydrocodone and Fentanyl from the Medication Dispensing System for patients, but failed to administer them in a timely manner, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record
07/07/07	7-9367	Fentanyl Patch 25mcg/hr q72hrs	Fentanyl (1 Patch) @ 0756	(1 Patch) @ 0910
07/13/07	7177	Lortab Elixir (500-7.5/15mL) q6hrs 10mL	Lortab (15mL) @ 0758	(10mL) @ 1000
07/14/07	7194	Hydrocodone/ APAP 5/500 2 tabs q4hrs PRN	Hydrocodone/APAP 5/500 (2) @ 0941	(2) @ 1025
07/21/07	7-9367	Fentanyl Patch 25mcg/hr q72hrs	Fentanyl (1 Patch) @ 1447	(1 Patch) @ 1807

Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.

11. On or about July 13, 2007, while employed as a Registered Nurse with Memorial Hermann Texas Medical Center, Houston, Texas, Respondent failed to administer Lortab Elixir to Patient Medical Record Number 7177, as ordered by the physician, in that it was to be given every six (6) hours. Respondent did not administer the 0845 dose until 1000, therefore the next doses would be due at 14:00; Respondent did not administer it until 17:12. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.
12. On or about July 21, 2007, while employed as a Registered Nurse with Memorial Hermann Texas Medical Center, Houston, Texas, Respondent falsely documented in the Medication Administration Record of Patient Medical Record Number 7-9367, the administration of Diazepam approximately two (2) hours prior to withdrawing the medication. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that it resulted in an inaccurate medical record and was likely to deceive subsequent care givers who relied on the accuracy of the information while providing care to the patient.
13. On or about July 1, 2007 through July 21, 2007, while employed as a Registered Nurse with Memorial Hermann Texas Medical Center, Houston, Texas, Respondent misappropriated Hydrocodone, Hydromorphone, Morphine, and Diazepam belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

14. On or about October 13, 2010, Respondent entered a plea of Nolo Contendere and was convicted of the reduced offense of CRIMINAL TRESPASS, (a Misdemeanor offense committed on January 19, 2010), in the County Court at Law No. 3 of Galveston County, Texas, under Cause No. 300932. As a result of the conviction, Respondent was confined to the County Jail until she paid a fine and court costs.
15. On or about May 20, 2011 to May 30, 2011, while employed with Texas Specialty Hospital, Houston, Texas, Respondent withdrew Hydromorphone and Lorazepam from the medication dispensing system for patients in excess frequency and/or dosage of the physician's order. Respondent's conduct was likely to injure the patients in that the administration of Hydromorphone and Lorazepam in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions and is in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
16. On or about May 20, 2011 to May 30, 2011, while employed with Texas Specialty Hospital, Houston, Texas, Respondent withdrew Hydromorphone and Lorazepam from the medication dispensing system for patients, but failed to accurately and/or completely document the administration in the patients' medication administration records (MARs) and/or nurse's notes. Respondent's conduct 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.
17. On or about May 20, 2011 to May 30, 2011, while employed with Texas Specialty Hospital, Houston, Texas, Respondent withdrew Hydromorphone and Lorazepam from the medication dispensing system for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. 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).
18. On or about May 20, 2011 to May 30, 2011, while employed with Texas Specialty Hospital, Houston, Texas, Respondent misappropriated, or failed to take precautions to prevent such misappropriation of, Hydromorphone and Lorazepam from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
19. 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.
20. 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.

21. On or about September 16, 2009, Respondent underwent a forensic psychological evaluation with Alexander Howe, PhD, wherein Dr. Howe advised the following:  
  
"From a psychological perspective, [Respondent] does present with a notable Dysthymic Disorder, accompanying health issues, longstanding primary family and marital issues, as well as a personality approach that may continue to limit her effectiveness in resolving current and probably future personal and interpersonal conflicts in her life. It would be beneficial for [Respondent] to seek out, obtain, and maintain a relationship with a trained mental health provider who could review with her the significant events in her life and assist [Respondent] in developing a perspective or approach that would offer her a greater sense of skill in insuring that both her personal, interpersonal, and vocational needs are met."
22. Formal Charges were filed on July 15, 2009.
23. Formal Charges were mailed to Respondent on July 22, 2009.
24. Respondent's conduct described in Finding of Fact Numbers Seven (7) to Eighteen (18) resulted from Respondent's dependency on chemicals and mental illness.
25. 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(B),(C)&(D) and 217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(G),(8),(10)(B),(10)(C)&(11)(B).
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 732767, heretofore issued to HEATHER ELIZABETH BEMROSE, 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 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(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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

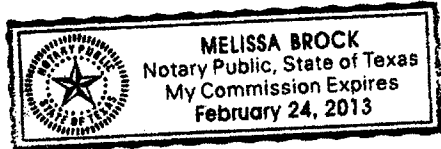
*Heather Elizabeth Bemrose*  
HEATHER ELIZABETH BEMROSE, Respondent

Sworn to and subscribed before me this 7<sup>th</sup> day of July, 2011.

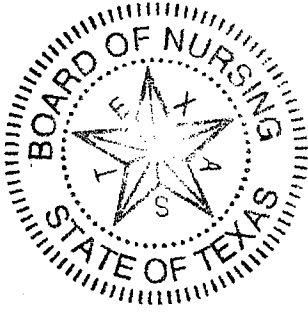
SEAL

*Melissa Brock*

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 7th day of July, 20 11, by HEATHER ELIZBAETH BEMROSE, Registered Nurse License Number 732767, and said Order is final.



Entered and effective this 14th day of July, 20 11.

*Katherine A. Thomas*

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