



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

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

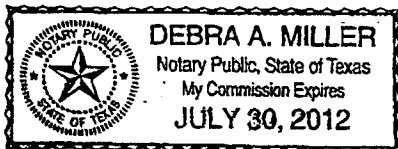
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By 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 2010.

Tiffany Gehlhaar
TIFFANY GEHLHAAR, Respondent

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

SEAL



Debra Miller
Notary Public in and for the State of TX

Approved as to form and substance.

Peter Susca
Peter Susca, Attorney for Respondent

Signed this 6th 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