



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 727610                       §  
and Vocational Nurse                       §  
License Number 168196                     §  
issued to CATHRYN ANN OLIVER           §        ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CATHRYN ANN OLIVER, Registered Nurse License Number 727610 and Vocational Nurse License Number 168196, 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 October 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(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 both professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Jasper Memorial Hospital, Jasper, Texas, on July 17, 1998, and received a Baccalaureate Degree in Nursing from The University of Texas at Tyler, Tyler, Texas, on May 6, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on August 20, 1998, and was licensed to practice professional nursing in the State of Texas on May 25, 2006.

5. Respondent's nursing employment history includes:

8/1998-12/1998	Unknown	
1/1999-10/2007	Staff Nurse	Woodland Heights Medical Center Lufkin, Texas
10/2007-8/2008	House Supervisor RN	Memorial Medical Center-Livingston Livingston, Texas
10/2008-6/2010	Agency Nurse	Helping Hands Nursing Agency Jasper, Texas assigned to Christus Jasper Memorial Hospital Jasper, Texas
7/2010	Unknown	
8/2010-Present	Staff Nurse	Methodist Willowbrook Hospital Houston, Texas

6. At the time of the incident, Respondent was employed as an Agency Nurse with Helping Hands Nursing Agency, Jasper, Texas, assigned to Christus Jasper Memorial Hospital, Jasper, Texas, and had been in this position for one (1) year and ten (10) months.

7. On or about August 4, 2010, the Board provided Respondent with notice of alleged violations of the Nursing Practice Act of the State of Texas, which included, in relevant part:

On or about May 27, 2010, through May 29, 2010, while employed with Helping Hands Nursing Agency, Jasper, Texas, and assigned to Christus Jasper Memorial Hospital, Emergency Department, Jasper, Texas, Respondent falsely documented in the medical records of patients' physician orders for pain medications; withdrew eighteen (18) vials of Dilaudid from the Medication Dispensing System (Pyxis) for patients; failed to document or accurately document the administration of the medications in the patients' Medication Administration Records (MAR) and/or nursing notes; and misappropriated Dilaudid from the facility, depriving patients of their pain medication, or failed to take precautions to prevent such misappropriation.

Respondent's conduct, as alleged, was likely to defraud the facility and patients of the cost of the medications.

8. On or about September 7, 2010, Respondent submitted a written statement to the Board denying the allegations.

9. On or about October 20, 2010, Respondent telephonically informed the Board that she had not been truthful in the statement that she provided and that she had diverted the excess amounts of Dilauded, left over after administering the medications, for her own personal use by not wasting the excess amounts and keeping them.
10. 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.
11. 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.
12. 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),(1)(C),(1)(D)&(3)(A) and 217.12(1)(A),(6)(G),(8),(10)(C)&(10)(E).
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 727610, and Vocational Nurse License Number 168196, heretofore issued to CATHRYN ANN OLIVER, 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 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.

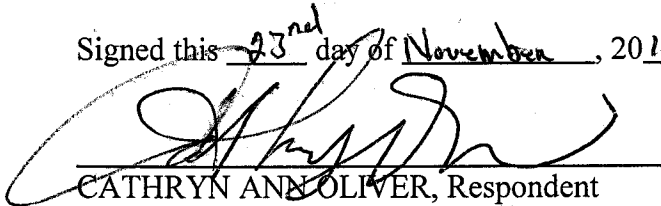
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RESPONDENT'S CERTIFICATION

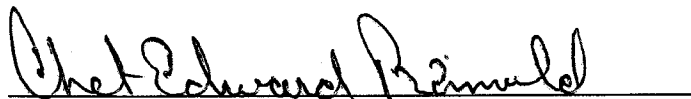
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 23<sup>rd</sup> day of November, 2010.

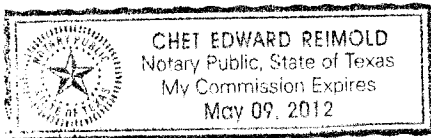
  
CATHRYN ANN OLIVER, Respondent

Sworn to and subscribed before me this 23<sup>rd</sup> day of November, 2010.

SEAL



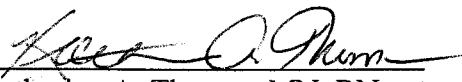
Notary Public in and for the State of Texas



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 23<sup>rd</sup> day of November, 2010, by CATHRYN ANN OLIVER, Registered Nurse License Number 727610, and Vocational Nurse License Number 168196, and said Order is final.



Entered and effective this 30<sup>th</sup> day of November, 2010.

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