



5. Respondent's complete nursing employment history includes:

12/1984-01/1985	Unknown	
01/1985-05/1985	LVN	Hotel Dieu Medical Center El Paso, Texas
05/1985-1988	RN	Hotel Dieu Medical Center El Paso, Texas
1988-1993	RN	Rio Vista Rehabilitation Hospital El Paso, Texas
1993-1994	Unknown	
1994-05/2010	RN	Las Palmas Rehabilitation Hospital El Paso, Texas
2000-2001	RN	Highlands Regional Rehabilitation Hospital El Paso, Texas
2004-2006	RN	Thomason Hospital El Paso, Texas
05/10-Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with Las Palmas Rehabilitation Hospital, El Paso, Texas, and had been in this position for approximately sixteen (16) years.
7. On or about 2008, through May 12, 2010, while employed as a Registered Nurse with Las Palmas Rehabilitation Hospital, El Paso, Texas, Respondent obtained Vicodin, from Walgreens Pharmacy, El Paso, Texas, under her own name, through the use of fraudulent oral or telephonically communicated prescriptions, using the name "Irma" and Drug Enforcement Agency (DEA) number assigned to Dr. Yuri J. Caballero. Subsequently, Respondent admitted to phoning in these prescriptions without authorization from Dr. Caballero. Respondent's conduct was likely to deceive the pharmacy and possession of Vicodin through the use of a unauthorized, fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. In Response to Finding of Fact Number Seven (7), Respondent states she admits to the allegation against her and is prepared to cooperate fully with the Texas Board of Nursing in order to resolve this matter. Additionally, Respondent states while she does admit to the fraudulent telephonic prescription for Vicodin, she did not use the Drug Enforcement Administration (DEA) number assigned to Dr. Yuri Caballero. Respondent states over the past two years she has suffered from chronic leg and back pain, and due to her chronic pain, Dr. Caballero initially prescribed her with Vicodin sometime in 2008, with refills. Respondent states she began taking the Vicodin daily and was able to function without pain. Additionally, Respondent states her primary physician diagnosed her with fibromyalgia and prescribed Cymbalta and Provigil, but unfortunately she was already dependent to the pain relief which the Vicodin provided. Respondent is pleased to say she is currently under the care of a new primary physician, and has been off Vicodin since May 12, 2010.
9. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
10. 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.
11. Respondent's conduct described in Finding of Fact Number Seven (7) resulted from Respondent's dependency on chemicals.
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), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(6)(A)&(H),(10)(B)&(E) and (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 529914 and Vocational Nurse License Number 107336, heretofore issued to RAMONA HELGA (ROMERO) YRIGOYEN, 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

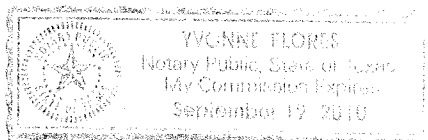
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 20 day of July, 2010.

Ramona Helga (Romero) Yrigoyen  
RAMONA HELGA (ROMERO) YRIGOYEN, Respondent

Sworn to and subscribed before me this 20<sup>th</sup> day of July, 2010.

SEAL



Yvonne Flores  
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 \_\_\_  
20th day of July, 2010, by RAMONA HELGA (ROMERO) YRIGOYEN, Registered Nurse License Number 529914 and Vocational Nurse License Number 107336, and said Order is final.



Entered and effective this 26th day of July, 2010.

*Katherine A. Thomas*

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