

Respondent's vocational nursing employment history continued:

1996-2002	LVN	Harlingen Nursing Center Harlingen, Texas
2000-2002	LVN	MCH Services Corpus Christi, Texas
2002	LVN/MDS Coordinator	Cross Timbers Care Center Flower Mound, Texas
2002	Interim ADON	CLC Woodridge Grapevine, Texas
2003	Charge Nurse	North Point Health and Rehab Watauga, Texas
2004	LVN	Odyssey Health Care Dallas, Texas
11/04-2/05	LVN	Doctors Home Healthcare Ft. Worth Texas
3/05-Present	Unknown	

6. On or about March 14, 2005, through April 2, 2005, Respondent misappropriated Hydrocodone from Patient number P435's residence. Patient number P435 was a former patient of Respondent's when she worked for Doctors Home Healthcare, Ft. Worth, Texas. Respondent's conduct was likely to defraud the patients of the cost of the medications.
7. On or about April 5, 2005, Respondent misappropriated Hydrocodone from Patient number P233's residence. Patient number P233 was a former patient of Respondent's when she worked for Doctors Home Healthcare, Ft. Worth, Texas. Respondent's conduct was likely to defraud the patients of the cost of the medications.
8. On or about March 11, 2005, Respondent lacked fitness to practice vocational nursing in that she admitted to having an Opiate addiction. 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. In response to Findings of Fact Number Eight (8), Respondent submitted documentation showing she had undergone Residential Treatment at Grapevine Valley Hope on February 10, 2004, through March 11, 2004 and an Outpatient Treatment April 13, 2005, through August 17, 2005.

10. On or about October 7, 2009, Respondent was arrested by the Wise County Sheriff's Office, Decatur, Texas for "interfering with duties of a public servant" (A Class B Misdemeanor) and "Resisting Arrest Search or Transp" (A Class A Misdemeanor).
11. 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.
12. 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.
13. Respondent's conduct described in Finding of Fact Numbers Six (6) and Seven (7) was significantly influenced by Respondent's dependency on chemicals.
14. 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)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)&(T)(effective September 28, 2004) and 22 TEX. ADMIN. CODE §217.12(1)(E),(5),(6)(G)&(8)(effective September 28, 2004).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 160643, heretofore issued to JACQUELYN COLENE PIERCE, including revocation of Respondent's license to practice vocational 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) 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.

(5) IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of or receive a deferred order for the offense(s) as outlined in Finding of Fact Number Ten (10), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational nursing in the State of Texas.

Oklahoma Peer Assistance Program as an Alternative to TPAPN

IT IS FURTHER AGREED, and ORDERED that this order constitutes written

permission for Respondent to participate in the Oklahoma Peer Assistance Program for chemical dependency in lieu of the TPAPN option provided Respondent applies and is accepted within ten (10) days following the date of entry of this final Order, and remains enrolled in the Oklahoma Peer Assistance Program until successful completion. RESPONDENT SHALL NOT practice in any other party state during the term of the alternative program without prior written authorization from the Texas Board of Nursing.

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 nurse licensure compact 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 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

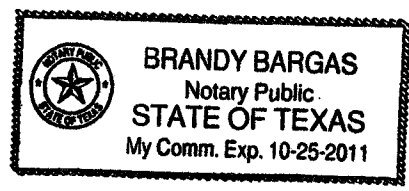
Signed this 8th day of June, 2010

Jacquelyn Colene Pierce
JACQUELYN COLÉNE PIERCE, Respondent

Sworn to and subscribed before me this 8th day of June, 2010.

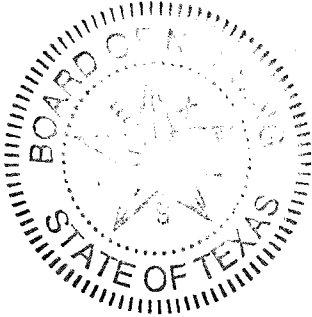
SEAL

Brandy Bargas
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 8th day of June, 2010, by JACQUELYN COLENE PIERCE, Vocational Nurse License Number 160643, and said Order is final.

Entered and effective this 15th day of June, 2010.



Katherine A. Thomas

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