

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 540134 § AGREED
and Vocational Nurse License Number 104932 §
issued to KAREN SUE AMERMAN (DYKE) § ORDER



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

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of KAREN SUE AMERMAN (DYKE), Registered Nurse License Number 540134, and Vocational Nurse License Number 104932, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on July 21, 2005, 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 representation by counsel, informal conference, 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. Respondent's license to practice vocational nursing is currently in delinquent status.
4. Respondent completed a vocational nursing program at Lafayette Regional Vocational Technical School, Lafayette, Louisiana, on November 30, 1983. Respondent became licensed to practice vocational nursing in the State of Texas on May 30, 1984. Respondent received a Baccalaureate Degree in Nursing from The University of Texas Health Science Center, Houston, Texas, in March 1987. Respondent became licensed to practice professional nursing in the State of Texas on August 24, 1987. Respondent received recognition as a Certified Registered Nurse Anesthetist on June 7, 1994.

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5. Respondent's nursing employment history includes:

5/84-4/87	Unknown	
4/87-12/92	Staff Nurse	Hermann Hospital Houston, Texas
12/92-6/94	Unknown	
6/94-8/04	Staff Nurse/ CRNA	Whitiker Medical/Anesthesia Houston, Texas
1/95-7/02	CRNA	St. Joseph Hospital Houston, Texas
2/01-10/03	CRNA	Downtown Plaza Houston, Texas
10/03-7/04	CRNA	Memorial City Houston, Texas
9/04-Unknown	Instructor	University of Texas Medical School at Houston Houston, Texas
1/05-1/05	CRNA	Anesthesia Associates, L.L.P. Houston, Texas
2/05-2/05	CRNA	Steeplechase Diagnostic Center Houston, Texas
2/05-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Certified Registered Nurse Anesthetist (CRNA) with Anesthesia Associates, L.L.P., Houston, Texas, and had been in this position for approximately one (1) week.

7. On or about January 14, 2005, through January 21, 2005, while employed with Anesthesia Associates, L.L.P., Houston, Texas, Respondent lacked fitness to practice nursing in that she exhibited impaired behavior while on duty, including but not limited to: acting strangely, taking frequent breaks, spending a lot of time in the bathroom, and passing out in the bathroom. Possession of narcotics is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act) and the use of narcotics by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition. Respondent's conduct was also likely to impair her ability to make

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rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

8. On or about February 2, 2005, while employed with Steeplechase Diagnostic, Houston, Texas, Respondent lacked fitness to practice nursing due to exhibiting impaired behavior while on duty, including but not limited to: passing out on the floor of a procedure room, being incoherent, slurred speech, the inability to sit up, memory loss, and dilated eyes. Respondent's conduct 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 May 31, 2005, Respondent engaged in the intemperate use of Xanax in that she admitted to the intemperate use. Possession of Xanax is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Xanax by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. 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.
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 conduct described in the preceding Findings of Fact was significantly influenced by Respondent's impairment by dependency on chemicals.
13. 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)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E)&(10)(A).

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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 540134, and Vocational Nurse License Number 104932, heretofore issued to KAREN SUE AMERMAN (DYKE), including revocation of Respondent's licenses 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 and be accepted into the TPAPN, 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 contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse

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Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses 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 State of Texas 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 revocation of Respondent's licenses and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

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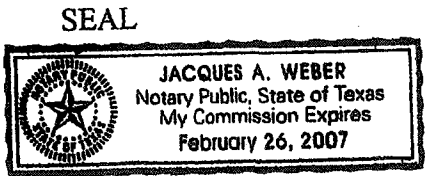
RESPONDENT'S CERTIFICATION

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 Board of Nurse Examiners, 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 8 day of 15, 2005.

Karen Sue Amerman
KAREN SUE AMERMAN (DYKE), Respondent

Sworn to and subscribed before me this 15th day of August, 2005.



Jeff A. Ill
Notary Public in and for the State of TEXAS

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 15th day of August, 2005, by KAREN SUE AMERMAN (DYKE), Registered Nurse License Number 540134, and Vocational Nurse License Number 104932, and said Order is final.

Entered and effective this 30th day of August, 2005.



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