



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 662024 §
issued to NANCY LOZANO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo
considered the matter of NANCY LOZANO, Registered Nurse License Number 662024, hereinafter
referred to as Respondent.

Information received by the Board produced evidence that Respondent may have
violated Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code. Respondent waived
representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this
Order offered on March 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 representation by counsel, 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 the University of Texas-Pan America, Edinburg, Texas, on May 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on July 8, 1999.
5. Respondent's professional nursing employment history includes:

07/1999 - 06/2006	RN	Knapp MedicalCenter Weslaco, Texas
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Respondent's professional nursing employment history continued:

07/1999 - 12/2006	RN	Valley Baptist Medical Center Harlingen, Texas
06/2006 - 07/2006	RN	IPH Home Health Care, Inc. McAllen, Texas
07/2006- 09/2007	RN	Palm Valley Home Health Edinburg, Texas
10/2007 - 02/2008	RN	Doctors Hospital at Renaissance Edinburg, Texas
03/2008 - 08/2008	RN	Valley Baptist Medical Center Harlingen, Texas
08/2008 - 11/2008	Employment history unknown.	
11/2008 - 06/2009	RN	Dream Care Home Health Inc. Edinburg, Texas
06/2009 - Present	Employment history unknown.	

6. At the time of the incidents, Respondent was employed with Valley Baptist Medical Center, Harlingen, Texas, and had been in this position for four (4) months.
7. On or about June 23, 2008 through July 23, 2008, while employed as a Registered Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent withdrew Demerol from the Medication Dispensing System (Pyxis) for patients in excess frequency/dosage of the physicians' orders. Respondent's conduct was likely to injure the patients in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions.
8. On or about June 23, 2008 through July 23, 2008, while employed as a Registered Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent withdrew Demerol and Stadol from the Medication Dispensing System (Pyxis) for patients but failed to document or accurately document the administration of the medications in the patients' Medication Administration Records and/or the nurse's notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

9. On or about June 23, 2008 through July 23, 2008, while employed as a Registered Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent withdrew Demerol from the Medication Dispensing System (Pyxis) for patients but failed to follow the facility's policy and procedure for the wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about June 25, 2008, July 16, 2008 and July 23, 2008, while employed as a Registered Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent misappropriated Demerol and Stadol belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications.
11. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent states: "To be honest, I cannot recall all of these individual incidents. I would work between 4-5 days out of the week from 7pm-7am. I would withdraw Demerol and Stadol several times during a shift, depending on the physician's preference for pain management. I was often an advocate of epidurals which I believe are safer than IV narcotics. My focus was on patient care first, and paper work last. Yet, it obviously left room for incomplete documentation. I have never intentionally taken any medications from a patient or the hospital. Each patient received the medications they needed and required for the optimal care they deserved."
12. On or about June 23, 2008 through July 23, 2008, while employed as a Registered Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent lacked fitness to practice professional nursing, in that while on duty she was observed to have visible track marks on both arms, exhibited slurred speech and an unsteady gait. Additionally, Respondent stated that she was sleep walking when she accessed the Pyxis, while on "wait time" for her coming shift. 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.
13. In response to Finding of Fact Number Twelve (12), Respondent states: "On July 23, 2008, I was not fit to work. The progression to that point started a couple of months before that day. I had been ill for several months with increasing pain to my back, nausea, emesis, and sleeplessness. I began self administering normal saline or lactated ringer around the middle of May because I was always extremely dehydrated. I would purchase then from a pharmacy in Mexico, which is 10 minutes a way from my home. My health status was deteriorating and I did not want anyone to know. I knew that I needed to keep working to maintain my family. I was under the false impression that I could take care of it myself and it would get better soon. My track marks were related to my frequent IV and medication administrations. On July 23 I can only assume that I was sleep walking when the Pyxis was accessed, due to the fact that I had witnessed at home by family members. This usually took place when my electrolytes became imbalanced with lack of sleep for several days. As much as I tried, I cannot recall accessing the Pyxis machine. I do remember that I was told that I had to stay

in house during the hurricane to work. We were told we had to stay in the over flow unit. I took my medications, Xanax for sleep, Nubain for pain prior to going to sleep. I laid down and fell asleep. I remember feeling exhausted like I had been up for days and very dizzy when I got up to dress for work. I was greeted at the door by my supervisor with a wheelchair, insisting on taking me to the ER. I was screened, given an excuse for work and instructed to sleep in the lounge. I decided to leave and go home. I was terminated on August 6, 2008. I have admitted myself to Padre Behavioral. Hospital on August 11. I knew that I had to go somewhere safe to withdraw and seek treatment. While admitted, I contacted TPAPN to report my actions. I followed with outpatient treatment.”

14. On or about January 1, 2009, while employed as a Registered Nurse with Dream Care, L.L.C., McAllen, Texas, Respondent engaged in the intemperate use of Alcohol, in that while participating in the Texas Peer Assistance Program for Nurses she produced a specimen for a drug screen which resulted positive for Alcohol. Subsequently, Respondent admitted that she had relapsed. The use of Alcohol by a Registered 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.
15. In response to Finding of Fact Number Fourteen (14), Respondent states: “On January 6, 2009, I produced a positive screen for alcohol while enrolled in TPAPN. I did admit to relapse. This should not be an excuse for relapse, but I had been trying to deal with a recent beating that left my face broken as well as my pride. I felt that I didn’t have anyone to turn to. I was ashamed and embarrassed. I was very scared and feared for my safety. It was very difficult having to issue my official statements and having to relive that night.”
16. 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.
17. 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 Fourteen (14) resulted from was significantly influenced by Respondent's dependency on 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 violation of Section 301.452(b)(9),(10),(12) &(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D) and 217.12(1)(A),(E),(4),(5),(6)(G),(8),(10)(A),(C),(E)& (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 662024, heretofore issued to NANCY LOZANO, 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 NANCY LOZANO, 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 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.

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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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21ST day of MAY, 2010.



NANCY LOZANO, Respondent

Sworn to and subscribed before me this 21ST day of MAY, 2010.

SEAL




Notary Public in and for the State of TEXAS
County of Hidalgo

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 21st day of May, 2010, by NANCY LOZANO, Registered Nurse License Number 662024, and said Order is final.



Entered and effective this 2nd day of June, 2010.


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