



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 639789 §
issued to TAWANNA KAY FRY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of TAWANNA KAY FRY, Registered Nurse License Number 639789, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), (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 September 16, 2009, 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 holds a license to practice professional nursing in the State of Texas which is inactive status.
4. Respondent received an Associate Degree in Nursing from Rose State College, Mid-West City, Oklahoma on December 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas in May 2, 1997.
5. Respondent's nursing employment history includes:

1995 - 1997	Staff Nurse	Shawnee Regional Hospital
	Float Pool	Shawnee, Oklahoma

Respondent's nursing employment history continued:

1995 - 1997	Charge Nurse	Mission Hill Hospital Shawnee, Oklahoma
5/1997 - 5/2002	Charge Nurse	McQuistion Hospital of Paris Paris, Texas
5/2002 - 8/2006	RN Case Manager	First Choice Home Health Commerce, Texas
8/2006 - 8/2007	Staff Nurse	Wilson N. Jones Medical Center Sherman, Texas
9/2007 - present	Unknown	

6. On October 24, 2002, Respondent was issued an Agreed Order by the Texas Board of Nurse Examiners requiring her to participate in the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the October 24, 2002 Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On or about September 26, 2007, Respondent was issued a Stipulation, Settlement and Order by the Oklahoma Board of Nursing. A copy of the September 26, 2007 Stipulation, Settlement and Order is attached and incorporated, by reference, as part of this Order.
8. At the time of the incident in Finding of Fact Number Nine (9), Respondent was employed as a Staff Nurse with Wilson N. Jones Medical Center, Sherman, Texas, and had been in this position for five (5) months.
9. On or about December 30, 2006, while employed as a Staff Nurse with Wilson N. Jones, Medical Center, Sherman, Texas, Respondent failed to administer Plavix, Lexapro, and Zetia, to Patient #16417, as ordered by the physician. Respondent's conduct deprived the patient of efficacious treatment by delaying and/or interrupting the timely delivery of medication to the patient and may have caused the patient to experience prolonged illness.
10. In response to the incident in Finding of Fact Number Nine (9) Respondent states she admitted the patient and after that it became the primary care nurse's responsibility to administer the medications.

11. On or about December 30, 2006, while employed as a Staff Nurse with Wilson N. Jones Medical Center, Sherman, Texas, Respondent failed to document the administration of Phenergan, and Morphine in Patient #16417's medical record. Respondent's conduct resulted in an inaccurate medical record and was likely to cause injury to the patient in that subsequent care givers would not have complete information on which to base further medical treatment.
12. In response to the incident in Finding of Fact Number Eleven (11), Respondent states she may have forgotten to sign off some medications, or it may have been the LVN's duty to administer the medications after admitting the patient.
13. On August 14, 2009, Respondent underwent a forensic psychological exam with a chemical dependency evaluation and polygraph by Dr. John Lehman, Ph.D. Dr. Lehman opines that Respondent is suffering from an acute mental disorder, most likely Bipolar I with mixed depressive and hypomanic features and is currently severely depressed. Furthermore, Dr. Lehman states that he cannot rule out a drug abuse problem because Respondent was unable to pass a polygraph on these issues. Dr. Lehman concludes that Respondent "...is only fit to practice if successfully treated for her mental health issues under the supervision of a peer assistance program of the Board."
14. The Respondent's conduct described in the preceding Findings of Fact Numbers Nine (9), Eleven (11), and Thirteen (13) was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
15. 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 and mental illness.
16. 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)(8), (10),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B), (1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(B),(4)&(5).

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 639789, heretofore issued to TAWANNA KAY FRY, 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 TAWANNA KAY FRY, 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 (\$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 his/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.

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 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 Board of Nurse Examiners for the State of Texas.

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 multistate licensure 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 or Oklahoma Peer Assistance

Program, if chosen, 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 multistate licensure privileges, if any, to practice nursing in the State of Texas.

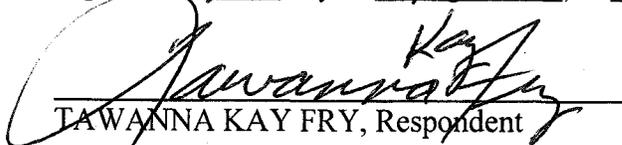
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RESPONDENT'S CERTIFICATION

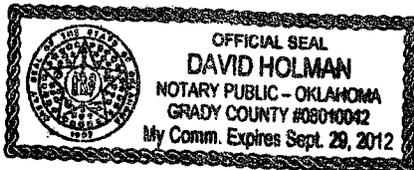
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer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

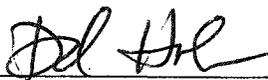
Signed this 10 day of Feb, 2010.


TAWANNA KAY FRY, Respondent

Sworn to and subscribed before me this 10th day of February, 2010.

SEAL





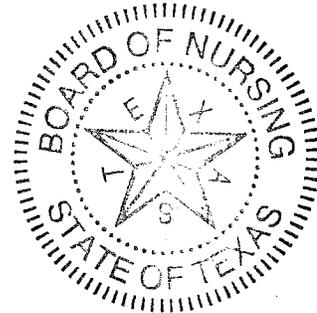
Notary Public in and for the State of Oklahoma

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 10th day of February, 2010, by TAWANNA KAY FRY, Registered Nurse License Number 639789, and said Order is final.

Entered and effective this 12th day of February, 2010.



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



BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF TAWANNA KAYALLEN FRY, R.N.
LICENSE NO. R0061295 (INACTIVE)
LICENSE NO. L0029593 (LAPSED)

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 12th day of September, 2007, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

The Board is represented by Deborah Bruce, Attorney at Law. Tawanna Kay Allen Fry, R.N. ("Respondent") appears in person without counsel before the Informal Disposition Panel on this date.

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0061295 issued by the Oklahoma Board of Nursing is inactive. Respondent's license to practice licensed practical nursing in the State of Oklahoma, License No. L0029593 is lapsed.

2. On or about June 11, 2007, Respondent submitted an Application for Reinstatement of License on which Respondent falsified the Application on which Respondent answered "No" to Question #7: "Have you ever had disciplinary action taken against your nursing license?"

3. On or about October 24, 2002, Respondent entered into an Agreed Order with the Board of Texas Nurse Examiners, in which Respondent was alleged to have diverted Demerol, and was ordered to enter and complete to Texas Peer Assistance Program for Nurses (TPAPN). Respondent successfully completed TPAPN in 2004.

4. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

5. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

6. Respondent fully understands that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

7. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this

joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

8. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

STIPULATED DISPOSITION

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the Application for Reinstatement of License to practice registered nursing filed herein by Respondent is hereby granted, but that Respondent is disciplined as follows:

1. Respondent shall, within ninety (90) days from the receipt of this Order, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board; other laws; policies; and accreditation guidelines that govern the practice of nursing; the role of delegation and supervision; and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course; resources to be utilized; and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

2. Within thirty (30) days from receipt of this Order, Respondent shall pay an **administrative penalty** payable to the Oklahoma Board of Nursing in the amount of **\$500.00**. The administrative penalty shall be paid only by certified check, money order or cash.

IT IS FURTHER ORDERED that the license to practice registered nursing held by Respondent is hereby **severely reprimanded**.

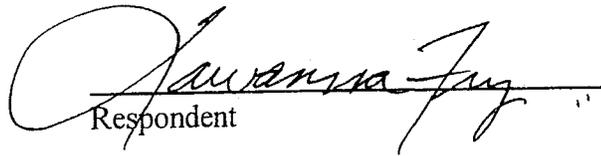
IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty or written documentation by the due date, including but not limited to educational courses, will result in a three (3) month suspension of license. At the completion of the three month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance to the agency approval process or for referral to the Board. Administrative penalties for any such failure to comply shall be assessed and paid prior to reinstatement by certified check, money order, or cash pursuant to statute, 59 O.S. §§ 567.8.J.1. and 2, and § 485:10-11-2(d) of the Rules promulgated by the Board.

IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Stipulation, Settlement and Order and that no presumption or construction against any party as the drafter of this Stipulation, Settlement and Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.

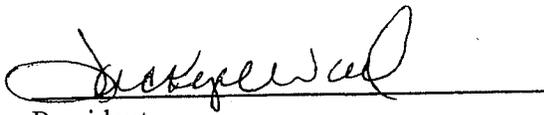
IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.

IT IS FURTHER ORDERED that this Order may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.


Respondent

Approved and ordered this 26th day of September, 2007.

OKLAHOMA BOARD OF NURSING

By: 
President

DKB:as

FOR THE STATE OF TEXAS

In the Matter of License Number 639789 § AGREED
issued to TAWANNA KAY FRY § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of TAWANNA KAY FRY, License Number 639789, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on September 5, 2002, 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.
4. Respondent received an Associate Degree in Nursing from Rose State College, Oklahoma, on December 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas in May 1997.
5. Respondent's professional employment history includes:

1994 - 1997	Staff Nurse ICU	Mission Hill Memorial Hospital Shawnee, Oklahoma
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1995 - 1997	PRN ICU/Med Surg	Shawnee Regional Hospital Shawnee, Oklahoma
1997 - 5/02	Charge Nurse ICU	Christus St. Joseph's Health System Paris, Texas
1999 - 10/00	PRN ICU	Presbyterian Hospital Greenville Greenville, Texas
5/02 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a PRN nurse in the Intensive Care Unit with Presbyterian Hospital Greenville, Greenville, Texas, and had been in this position for approximately one (1) year.
7. On or about October 3, 2000, while employed with Presbyterian Hospital Greenville, Greenville, Texas, Respondent withdrew Demerol in excess frequency/dosage of the physician's orders. Respondent's conduct was likely to injure the patient in that the administration of Demerol to a patient in excess of the physician's order could result in the patient suffering from respiratory depression
8. On or about October 3, 2000, while employed with Presbyterian Hospital Greenville, Greenville, Texas, Respondent withdrew Demerol but failed to document its administration in patient medical records. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
9. On or about October 3, 2000, while employed with Presbyterian Hospital Greenville, Greenville, Texas, Respondent withdrew Demerol but failed to follow policy and procedures in place for wastage of Demerol. 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 Substance Act).
10. On or about October 3, 2000, while employed with Presbyterian Hospital Greenville, Greenville, Texas, Respondent misappropriated Demerol from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof the cost of medications.

Propoxyphene as evidenced by a positive drug screen. Possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene 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.

12. At the time of the incident's, Respondent was employed as a Charge Nurse in the Intensive Care Unit with Christus St. Joseph's Health System, Paris, Texas, and had been in this position for approximately five (5) years.
13. On or about May 2, 2002, while employed with Christus St. Joseph's Health System, Paris, Texas, Respondent withdrew Demerol but failed to document its administration in patient medical records. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
14. On or about May 2, 2002, while employed with Christus St. Joseph's Health System, Paris, Texas, Respondent failed to follow policy and procedures for the wastage of Demerol. 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 Substance Act).
15. 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.
16. 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(3),(4),(18),(19)&(20).

Code, to take disciplinary action against License Number 639789, heretofore issued to TAWANNA KAY FRY, including revocation of Respondent's professional 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):

(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.

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

to Respondent's multistate licensure privileges, if any, to practice professional 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 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 license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 17th day of October, 2002, by TAWANNA KAY FRY, License Number 639789, and said Order is final.

Entered and effective this 24th day of October, 2002



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