



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

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In the Matter of § AGREED  
Registered Nurse License Number 596915 §  
& Vocational Nurse License Number 38804 §  
issued to TRISHA DARLING § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TRISHA DARLING, Registered Nurse License Number 596915, and Vocational Nurse License Number 38804, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 27, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

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(s).
2. Respondent waived 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. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from El Paso Community College, El Paso, Texas, on September 11, 1967. Respondent was licensed to practice vocational nursing in the State of Texas on October 21, 1967. Respondent received an Associate Degree in Nursing from New Mexico State University, Las Cruces, New Mexico, on May 1, 1993. Respondent was licensed to practice professional nursing in the State of Texas on September 22, 1993.

5. Respondent's nursing employment history includes:

10/1967-1975	Unknown	
1975-1980	LVN	Erlanger Hospital Cattanooga, Tennessee
1980-1982	LVN	Florida Hospital Orlando, Florida
1982-1985	LVN	Columbia East Hospital El Paso, Texas
1985-1987	LVN	Providence Home Health Care El Paso, Texas
1987-1990	LVN	Resthaven Nursing Home El Paso, Texas
1990-1993	LVN	Alpha Home Health Care El Paso, Texas
1993-1995	RN	R.R. Thomason Hospital El Paso, Texas
1995-1996	RN	Allegiance Care Management El Paso, Texas
1996-2008	RN/ Owner	Consult A Nurse El Paso, Texas
1996-1999	RN	Pyramid Home Health El Paso, Texas
1999-2000	RN	William Beaumont Army Medical Center El Paso, Texas
02/08-06/08	RN	Methodist Transplant Hospital San Antonio, Texas
06/08-01/10	RN	Metropolitan Methodist Hospital San Antonio, Texas
02/10-06/10	RN	CHRISTUS Santa Rosa Health Care San Antonio, Texas
07/10-Present	Unknown	

6. At the time of the initial incident as stated in Findings of Fact Numbers Seven (7) through Twelve (12), Respondent was employed as a Registered Nurse with CHRISTUS Santa Rosa Health Care, San Antonio, Texas, and had been in the position for approximately eighteen (18) days.
7. On or about February 19, 2010, through June 21, 2010, while employed as a Registered Nurse with CHRISTUS Santa Rosa Health System, San Antonio, Texas, Respondent withdrew Zolpidem, Hydrocodone, Morphine, and Alprazolam from the Medication Dispensing System for patients but failed to document, or completely and accurately document the administration of, including signs, symptoms and responses to the medications in the patients' Medication Administration Records and/or Nurse's Notes, as follows:

Patient	Date	Time	Medication	MAR	Nurses Notes	Waste	Order
24098965	02/19/10	2159	Hydrocodone/APAP 5/325 (1)	None	None	None	Norco 5/325 1 tab PO Q4H PRN
24108107	04/05/10	2043	Zolpidem Tartrate 10mg (1)	None	None	None	Ambien 10mg PO QHS PRN
24110466	04/17/10	2240	Alprazolam 1mg (2)	None	None	None	Xanax 2mg PO 3 times a day
24110466	04/17/10	2241	Zolpidem CR 6.25mg (2)	None	None	None	Ambien CR 12.5mg PO HS SCH
24110466	04/18/10	2145	Alprazolam 1mg (2)	None	None	None	Xanax 2mg PO 3 times a day
24119973	06/05/10	2048	Zolpidem CR 6.25mg (2)	None	None	None	Ambien 5mg PO QHS PRN
24119664	06/05/10	2058	Morphine Sulfate 2mg (1)	None	None	None	Morphine Inj 2mg Q4H
24119664	06/05/10	2058	Zolpidem Tartrate 10mg (2)	None	None	None	Ambien 10mg PO QHS
24121955	06/20/10	2031	Hydrocodone/APAP 10/325 (2)	None	None	None	Norco 10/325 1 tab PO Q8H
24121955	06/21/10	0546	Hydrocodone/APAP 10/325 (2)	None	None	None	Norco 10/325 1 tab PO Q8H

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

8. On or about February 19, 2010, through June 21, 2010, while employed as a Registered Nurse with CHRISTUS Santa Rosa Health System, San Antonio, Texas, Respondent withdrew Zolpidem, Hydrocodone, Morphine, and Alprazolam from the Medication Dispensing System for patients but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications, as follows:

Patient	Date	Time	Medication	MAR	Nurses Notes	Waste	Order
24098965	02/19/10	2159	Hydrocodone/APAP 5/325 (1)	None	None	None	Norco 5/325 1 tab PO Q4H PRN
24108107	04/05/10	2043	Zolpidem Tartrate 10mg (1)	None	None	None	Ambien 10mg PO QHS PRN
24110466	04/17/10	2240	Alprazolam 1mg (2)	None	None	None	Xanax 2mg PO 3 times a day
24110466	04/17/10	2241	Zolpidem CR 6.25mg (2)	None	None	None	Ambien CR 12.5mg PO HS SCH
24110466	04/18/10	2145	Alprazolam 1mg (2)	None	None	None	Xanax 2mg PO 3 times a day
24119973	06/05/10	2048	Zolpidem CR 6.25mg (2)	None	None	None	Ambien 5mg PO QHS PRN
24119664	06/05/10	2058	Morphine Sulfate 2mg (1)	None	None	None	Morphine Inj 2mg Q4H
24119664	06/05/10	2058	Zolpidem Tartrate 10mg (2)	None	None	None	Ambien 10mg PO QHS
24121955	06/20/10	2031	Hydrocodone/APAP 10/325 (2)	None	None	None	Norco 10/325 1 tab PO Q8H
24121955	06/21/10	0546	Hydrocodone/APAP 10/325 (2)	None	None	None	Norco 10/325 1 tab PO Q8H

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).

9. On or about April 17, 2010, through April 18, 2010, while employed as a Registered Nurse with CHRISTUS Santa Rosa Health System, San Antonio, Texas, Respondent falsely documented she had administered Zolpidem to patient Medical Record Number 24110466, in the patient's Medication Administration Record; however, there were not any medication withdrawals from the medication dispensing system associated with the documented times of administration, as follows:

Patient	Date	Time	Medication	MAR	Nurses Notes	Waste	Order
24110466	04/17/10	None	Xanax 2mg	2100	None	None	Xanax 2mg PO 3 times a day
24110466	04/18/10	None	Xanax 2mg	2059	None	None	Xanax 2mg PO 3 times a day

Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment. Additionally, Respondent's conduct created an inaccurate medical record on which subsequent caregivers would rely on to provide ongoing medical care.

10. In response to Finding of Fact Number Nine (9), Respondent states it was a very busy shift and she had several very ill patients under her care. Respondent states she charts at shift end referring to notes she jots down while treating her patients. Respondent states she realizes that this short cut is a bad plan in that she apparently failed to record the administration.
11. On or about February 19, 2010, through June 23, 2010, while employed as a Registered Nurse with CHRISTUS Santa Rosa Health System, San Antonio, Texas, Respondent misappropriated Zolpidem, Hydrocodone, Morphine, and Alprazolam from the facility or 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 the medications.
12. On or about February 19, 2010, through June 6, 2010, while employed as a Registered Nurse with CHRISTUS Santa Rosa Health System, San Antonio, Texas, Respondent failed to timely document nursing rounds, shift assessments, and IV line status in patient Medical Record Numbers 24119973, 249098965, 24104294, 24119664, and 24107833. Respondent's conduct was likely to injure patients in that subsequent care givers would rely on her documentation to provide ongoing medical care.
13. On or about July 17, 2012, Respondent underwent a chemical dependency evaluation with Matthew L. Ferrara, Ph.D., Licensed Psychologist. Dr. Ferrara states if not for Respondent's tendency to use deception and portray herself in an unrealistically positive manner, the overall findings of this evaluation are positive enough to give her a favorable recommendation. However, Dr. Ferrara continues, Respondent did use a high degree of deception at various points in the assessment process and it is possible that she covered up information that could result in an unfavorable recommendation. Dr. Ferrara states, in an effort to sidestep the subterfuge of Respondent's verbal responses, attention is focused exclusively on her behavior. Overall, Dr. Ferrara opines that it would appear that the Respondent has a behavioral history to suggest that she could practice successfully as a nurse. Dr. Ferrara recommends that Respondent be considered for licensure, if some safeguards are in place, to include: Respondent being required to have her practice supervised and she should be required to participate in a program of random drug/alcohol screens for a period of time for the purpose of ensuring that she is not engaging in a pattern of substance abuse behavior.
14. 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.

## CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE § 217.11(1)(A), (B), (C) & (D). and 22 TEX. ADMIN. CODE § 217.12(1)(A), (B) & (C), (4), (6)(A), (G) & (H), (10)(B) & (C) and (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10) & (13), Texas Occupations Code, to take disciplinary action against, Registered Nurse License Number 596915, and Vocational Nurse License Number 38804, heretofore issued to TRISHA DARLING, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 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 that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic

portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall 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 successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of



the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present

a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and

the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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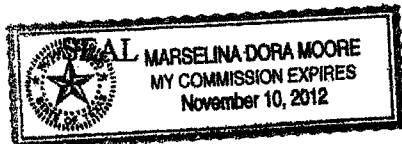
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 18<sup>th</sup> day of September, 2012.  
Trisha Darling  
TRISHA DARLING, RESPONDENT

Sworn to and subscribed before me this 18<sup>th</sup> day of September, 2012.



Marcelina Moore  
Notary Public in and for the State of Texas

Approved as to form and substance.

Marion W. Cain  
Marion W. Cain, RN, BSN, JD  
Attorney for Respondent

Signed this 19<sup>th</sup> day of Sept., 2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18th day of September, 2012, by TRISHA DARLING, Registered Nurse License Number 596915, and Vocational Nurse License Number 38804, and said Order is final.

Effective this 18th day of October, 2012.



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