



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 § AGREED
Registered Nurse License Number 796636 §
issued to TAMMY DAWN EVANS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TAMMY DAWN EVANS, Registered Nurse License Number 796636, 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)(1) & (10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 28, 2012, 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 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 Santa Fe Community College, Santa Fe, New Mexico, on May 31, 2004. Respondent was licensed to practice professional nursing in the State of Texas on February 1, 2011.
5. Respondent's professional nursing employment history is unknown.

6. On or about January 21, 2011, Respondent was issued an Agreed Eligibility Order by the Board which required her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Eligibility Order dated January 21, 2011, is attached and incorporated by reference, as part of this Order.
7. On or about September 14, 2012, Respondent became non-compliant with the Agreed Eligibility Order issued to her by the Board on January 21, 2011. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract in that she withdrew from TPAPN. Stipulation Number Three (3) of the Agreed Eligibility Order dated January 21, 2011, states:

"PETITIONER SHALL comply with all requirements of the TPAPN contract during its term."

On or about September 14, 2012, Respondent was dismissed from TPAPN and referred to the Board.

8. Regarding the conduct outlined in Finding of Fact Number Seven (7), Respondent states that while being monitored by TPAPN she has abided by all of the policies, restrictions and imperatives. She states that during her participation she applied to over fifteen healthcare facilities without success. She states that she could no longer afford to participate in TPAPN when the frequency of drug screens increased.

Respondent states that she is attending three to four 12-Step meetings a week, working with her sponsor, and seeing her psychiatrist at MHMR. Respondent states that since her withdrawal from TPAPN she has done some soul searching and is at real peace about stepping away. Respondent hopes to be granted a Limited License as she does not presently, and most likely in the future, wish to or intend to return to direct patient care. Respondent states that she would very much like the opportunity to teach about substance abuse and mental health issue, and she thinks that holding an RN license would add credibility to what she offers.

9. 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 §217.12(9) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) & (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 796636, heretofore issued to TAMMY DAWN EVANS, 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 a LIMITED LICENSE 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 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) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing

the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

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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 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.

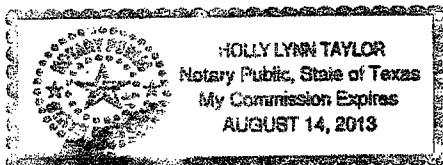
Signed this 2nd day of October, 2012.

Tammy Dawn Evans
TAMMY DAWN EVANS, Respondent

Sworn to and subscribed before me this 2nd day of October, 2012.

SEAL

[Signature]
Notary Public in and for the State of Texas
County of Kerr



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of October, 2012, by TAMMY DAWN EVANS, Registered Nurse License Number 796636, and said Order is final.

Effective this 13th day of November, 2012.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
TAMMY DAWN EVANS,
PETITIONER for Eligibility for Licensure

§
§
§

AGREED

ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.5(e) and §213.30, and supporting documents filed by TAMMY DAWN EVANS, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(8),(9),(10)&(12) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on November 10, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about February 26, 2010, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(e) and §213.30.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and consented to the entry of this Order.

3. Petitioner received an Associate Degree in Nursing from Santa Fe Community College, Santa Fe, New Mexico, on May 1, 2004.
4. Petitioner completed the Endorsement Application and answered "yes" to the question which reads as follows: *"For any criminal offense, including those pending appeal, have you:*
- A. *been convicted of a misdemeanor?*
 - B. *been convicted of a felony?*
 - C. *pled nolo contendere, no contest, or guilty?*
 - D. *received deferred adjudication?*
 - E. *been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
 - F. *been sentenced to serve jail or prison time? court-ordered confinement?*
 - G. *been granted pre-trial diversion?*
 - H. *been arrested or have any pending criminal charges?*
 - I. *been cited or charged with any violation of the law?*
 - J. *been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?*
- (You may only exclude Class C misdemeanor traffic violations.)"*

5. Petitioner disclosed the following criminal history, to wit:

On or about December 20, 2000, Petitioner was arrested by the Greenville Police Department, Greenville, Texas, for ASSAULT ON PUBLIC SERVANT, a Third Degree felony offense and FLEEING POLICE OFFICER, a Class B misdemeanor offense.

On or about July 9, 2001, Petitioner entered a plea of No Contest to FLEEING POLICE OFFICER (a Class B misdemeanor offense committed on December 20, 2000), in the County Court at Law of Hunt County, Texas, under Cause No. 0100624. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation for a period of three (3) months.

On or about August 14, 2001, the offense of ASSAULT ON PUBLIC SERVANT, was rejected without a pre-trial diversion in the County Court at Law of Hunt County, Texas.

6. There is no evidence of any subsequent criminal conduct.
7. Petitioner completed the Endorsement Application and answered "yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*

8. On April 19, 2007, Petitioner was issued a Settlement Agreement by the New Mexico Board of Nursing. A copy of the April 19, 2007, Settlement Agreement is attached and incorporated, by reference, as part of this Order.
9. After considering the action taken by the New Mexico Board of Nursing, along with Petitioner's subsequent conduct, the Executive Director is satisfied that Petitioner should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
10. Petitioner completed the Endorsement Application and answered "yes" to the question which reads as follows: *"Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"*
11. A letter was submitted to the Board by Anand W. Mehendale, MD, Phoenix Medical Associates, stating that he has been caring for Petitioner for some time. Petitioner is absent from all mind altering chemicals from November 22, 2007. Petitioner has been on monitored recovery agreement since February 2009 and all of her urine drug screens are negative and she is regular with her attendance at AA/NA meetings. In short Dr. Mehendale, has no reservations for Petitioner to resume her career as a nurse, she is no danger to the public. She should actually be a better nurse as a result of her recovery from substance use.
12. Petitioner completed the Endorsement Application and answered "yes" to the question which reads: *"Within the past five (5) years have you been diagnosed with, treated, or hospitalized for schizophrenia and/or psychotic disorders, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?"*
13. A letter was submitted to the Board by William M. Pederson, MD, Hill Country Community MHMR Center, stating that he has been seeing petitioner for treatment of bipolar disorder, not otherwise specified. Her current medications are Lamictal, Zyprexa and Vistaril. Petitioner has been compliant in her treatment and appears highly motivated. She is currently stable and Dr. Pederson feels that she has a good prognosis with continued treatment.
14. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
15. Petitioner has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
16. Petitioner presented no evidence of behavior which is inconsistent with good professional character.

17. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
18. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
19. The Executive Director considered evidence of Petitioner's substance abuse/chemical dependency, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
20. The Executive Director considered evidence of Petitioner's mental illness and subsequent treatment as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
21. Petitioner's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
22. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
23. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
24. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about February 26, 2010, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(e) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(8),(9),(10)&(12), Texas Occupations Code.

4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual who has a history of mental illness and substance abuse and/or chemical dependency after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
7. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
8. 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.
9. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that the application of PETITIONER is hereby GRANTED, and upon payment of any required fees, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas, which shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

PETITIONER 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 this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER'S license(s) is/are encumbered by this Order, PETITIONER 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 PETITIONER wishes to work.

NOW, THEREFORE, IT IS FURTHER AGREED and ORDERED that PETITIONER SHALL comply with the following conditions for such a time as is required for PETITIONER to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) PETITIONER SHALL, within forty-five (45) days of licensure, 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 (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

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

(4) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD PETITIONER fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or revocation of PETITIONER'S license(s) and nurse compact licensure privileges, if any, to practice nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 my potential ineligibility for licensure through peer assistance.

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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of my license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 4th day of January, 2011.

Tammy Dawn Evans
TAMMY DAWN EVANS, PETITIONER

Sworn to and subscribed before me this 4th day of January, 2011.

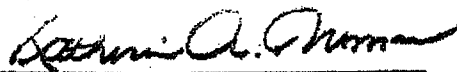
SEAL

Aubrey W. Duncan
Notary Public in and for the State of Texas

Aubrey W. Duncan
Commission Expires: June 12, 2012

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 4th day of January, 2011, by TAMMY DAWN EVANS, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 21st day of January, 2011.



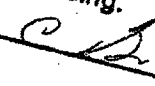
Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

**BEFORE THE BOARD OF NURSING
FOR THE STATE OF NEW MEXICO**

**IN THE MATTER OF:
TAMMY EVANS
LICENSE NO. R52672**

Respondent.

I certify this to be a true copy of the records on file with the New Mexico Board of Nursing.

Signed: 

SETTLEMENT AGREEMENT

WHEREAS, Respondent does not admit the allegations made against her which are contained in the Notice of Contemplated Action, and

WHEREAS, Respondent wishes to resolve this matter pending before the New Mexico Board of Nursing ("the Board") without the need for a formal hearing and the time and expense involved with such a hearing:

IT IS AGREED AS FOLLOWS:

1. Respondent is licensed by the Board and is subject to the jurisdiction of the Board.
2. Respondent enters into this Settlement Agreement voluntarily and waives the right to a full hearing on the merits as provided for in the Uniform Licensing Act, NMSA 1978, § 61-1-1 through § 61-1-34.
3. Respondent agrees to waive any and all time limitations set forth by statute, particularly the Uniform Licensing Act in setting an Administrative Hearing for this case, if necessary.
4. This Settlement Agreement is subject to approval by the Board. If the Board rejects the Settlement Agreement, this matter will be set for a hearing on the merits at a time, date and place to be determined by the Board. The

Respondent waives all rights to have this matter heard within the time frame set by the Uniform Licensing Act in order for the Board to have time to review this Settlement Agreement and to set a hearing if necessary. If the Board rejects the Settlement Agreement, the terms of this Agreement and any statements made in support of the Agreement by Respondent shall not be used against Respondent at any future hearing.

5. If the Board accepts this Settlement Agreement, Respondent agrees to the following actions:

- (A) Respondent agrees to a letter of reprimand being issued.
- (B) Respondent agrees to one year of probation.
- (C) The Respondent shall notify the Board within ten (10) days if there is a change in employment or home address.
- (D) Respondent agrees to submit to random drug screens for a period of twelve (12) consecutive months beginning the first month after the Respondent receives a copy of this agreement via certified mail or after final delivery is attempted by certified mail, whichever comes first. The drug screens shall be conducted as follows:

- (1) Respondent shall submit to three random drug screen tests per month for twelve (12) consecutive months.
- (2) The reports from the drug screens shall be submitted directly to the Executive Director of the Board of Nursing, 6301 Indian School NE, Suite 710, Albuquerque, New Mexico 87110, from the laboratory.

(3) Respondent agrees that all drug screen specimen collection is to be collected by an approved facility, and that all specimens collected will be submitted to a CAP-FUDT approved facility for analysis. The cost of all collections, samples, and tests shall be the sole responsibility of the Respondent.

(E) If a positive drug screen or an altered drug screen is submitted for testing at any time during the twelve (12) month testing period covered by this Agreement, this case will be set for hearing in accordance with the Uniform Licensing Act, and the cost of such a hearing may be assessed against the Respondent in an amount not to exceed \$5,000.

(F) Respondent agrees to attend and successfully complete a class in Professional Practice within twelve (12) months of the date this Agreement is signed by all parties. The Executive Director of the Board must approve the course before such course is taken, and the Respondent must submit proof of completion of the course to the Executive Director of the Board once the course is completed. Any course completed pursuant to this settlement agreement shall not count toward Respondent's continuing education requirements for licensure.

(G) If the Respondent complies with all the terms of this Settlement Agreement, this matter is concluded and resolved.

(H) If the Respondent does not comply with all of the terms of this

Agreement, this case will be set for hearing in accordance with the Uniform Licensing Act, and administrative costs and fines not to exceed \$5000 may be assessed against the Respondent.

(1) This order shall be applicable to applicant's/licensee's multistate licensure privilege, if any, to practice professional nursing in the State of New Mexico. While applicant's/licensee's license is encumbered by this order, the applicant/licensee may not work outside the State of New Mexico pursuant to a multistate licensure privilege without the written permission of the State of New Mexico and the Board of Nursing in the party state where the applicant/licensee wishes to work.

4/10/07
Date

Clayton Evans
Respondent

4/16/07
Date

Francis A. Chay
Assistant Attorney General

ORDER

This matter comes before the Board upon the Settlement Agreement of the parties and with a quorum present and a majority voting in favor, this Settlement Agreement is:

Accepted

Rejected

4-19-07
Date

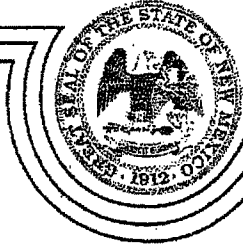
Tracy [Signature]
Chairperson,
Board of Nursing

CERTIFIED MAIL NO: ~~70053110000280843411~~
RETURN RECEIPT REQUESTED

70053110000280843466

STATE OF NEW MEXICO

(505) 841-8340



Board Of Nursing

6301 Indian School NE, Suite 710
Albuquerque, NM 87110

April 19, 2007

Tammy Evans
1600 N. 22nd Dr
Show Low AZ 85901

RE. LETTER OF REPRIMAND

Dear Ms. Evans:

This is in regard to the disciplinary matter involving your New Mexico nursing license, No. R52672. At the Board of Nursing's April 19, 2007 meeting, the Board accepted the Settlement Agreement as presented by Francine Chavez, Administrative Prosecutor for the Board. The Settlement Agreement authorizes the Board of Nursing to issue you a letter of reprimand. Therefore, consider this a letter of reprimand from the New Mexico Board of Nursing.

Keep in mind that if you received a Letter of Reprimand, Probation, Suspension, or Revocation, these are considered formal action and will remain on your licensure records. You will need to admit this on any forms that require if you have had any disciplinary action.

Respectfully,

Karen Cummings, RN, MSN
New Mexico Board of Nursing

CERTIFIED MAIL NO. 7005 2110 0002 80843466
RETURN RECEIPT REQUESTED

GUIDELINES FOR SELECTING EDUCATIONAL COURSES

Your Board Order requires you to successfully complete a course, or courses, to improve your nursing knowledge and/or skills. The Board Order also requires that the course, or courses, be pre-approved by the Executive Director of the Board of Nursing. The following information is provided to assist you in locating an appropriate course to meet your stipulation/probation conditions.

The Board of Nursing does not maintain a list of course providers. We suggest you contact nursing programs, continuing education departments of universities/colleges, online continuing education providers such as ANA www.nursingworld.org, National Council of State Boards of Nursing (NCSBN) www.ncsbn.org, and/or clinical facilities in your area. A web search for nursing continuing education will provide you with many different options. The New Mexico Nurses Association, 505/471-3324, or a specialty nursing organization may also be a resource for locating a course. There are also a number of commercial continuing education providers including home study and video programs which may be acceptable to meet your stipulation/probation requirement.

CRITERIA FOR COURSE SELECTION

1. Course, or courses, must identify nurses as part of the target audience.
2. Academic courses must be offered at a level which would be acceptable for credit toward a nursing degree or graduate level program. A grade of C or better must be received on an academic course.
3. Nursing Jurisprudence courses must contain content on the Nursing Practice Act, Standards of Practice, and documentation of care. Courses which focus solely on malpractice issues will not be accepted.
4. Pharmacology courses must contain content on all major drug classification groups unless the Board's Order specifically directs you to complete a course, or courses, related to one group of drugs or a clinical area of practice.

SUBMITTING COURSES TO THE EXECUTIVE DIRECTOR FOR APPROVAL

Approval of a course, or courses, for meeting your stipulation/probation requirements must be received prior to taking the course. Requests for approval of a course, or courses, must be submitted, in writing, to the Executive Director of the Board of Nursing. Allow two (2) weeks for written verification that the course has been approved.

The following information must be submitted along with the request for approval.

1. Title of the course, or courses
2. Name of provider (institution, association/organization, university/college, etc.)
3. Continuing education approval agency, if any, and number of contact hours approved
4. Type of course; e.g. "live" program, home study, audio/video program, on-line or web-based
5. Location of course, if applicable
6. Course objectives
7. Course content
8. Date(s) of course

Submit information for approval to:

New Mexico Board of Nursing
Attn. Executive Director
6301 Indian School Rd. NE Suite 710
Albuquerque, New Mexico 87110

Questions regarding the Board's Order and/or stipulation/probation conditions should be directed to the Executive Director at the Board of Nursing – 505-841-9082

discond.gdl<g:ldp\disc\wp>

Protocol for Drug Tests

The licensee is responsible for making arrangements to be called for their drug test(s) and for assuring that the drug test results are submitted to the attention of the executive director at the NM Board of Nursing.

1. The licensee must select an approved agency to serve as their Drug Test Coordinator. The Monitored Treatment Program (MTP), 11930 Menaul NE, Suite 113, Albuquerque, NM 87112 (505-271-0800) can serve as a Drug Test Coordinator and utilizes S.E. D. Medical Laboratories.
2. Within ten days of the Board's Order which includes a provision for drug testing, the licensee must submit in writing to the Executive Director of the NM Board of Nursing the name of an agency to act as the Drug Test Coordinator for approval. This approval must be granted in writing PRIOR to submitting the first specimen for drug testing.
3. The Drug Test Coordinator is responsible for coordinating and assuring the specimen is collected and submitted to a laboratory in accordance with the Board's Drug Test Policy. The laboratory must be certified by the College of American Pathologists for Forensic Urine Drug Testing (CAP-FUDT).
4. The licensee is required to be available for random drug tests at all times. The licensee is expected to provide a home and work phone number where the licensee can be reached at any time. If the licensee is going to be away from either home or work for any length of time, the licensee is expected to provide the Drug Test Coordinator with a phone number where the licensee can be reached.
5. When the licensee is called for a drug test, the licensee must provide the specimen within twelve (12) hours of the notification. The Board of Nursing may contact the Drug Test Coordinator to verify the time of the call.
6. The licensee must notify the Executive Director of the Board of Nursing and have the prescribing physician notify the Executive Director of the Board of Nursing in writing when drugs are prescribed that may result in a positive drug test.
7. All drug testing must comply with the Drug Test Protocol and Drug Test Policy of the New Mexico Board of Nursing.

If you have difficulty making the necessary arrangements for the drug tests, please contact the Executive Director for the Board of Nursing.

New Mexico Board of Nursing
6301 Indian School NE Suite 710
Albuquerque, NM 87110
505-841-8340

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Policy for Drug Tests

Acceptable Drug Test Coordinator(s)

1. The Monitored Treatment Program (MTP), 11930 Menaul NE, Suite 113, Albuquerque, NM 87112 (271-0800).

Acceptable Laboratories

1. S.E.D. Medical Laboratories, 5601 Office Blvd., NE, Albuquerque, NM 87109. A list of out-of-state CAP-FUDT certified laboratories may be obtained from the College of American Pathologists web site at www.cap.org.

Responsibility of Drug Test Coordinator

1. The Drug Test Coordinator must insure that calls to report to an approved drug test collection site for the random drug test specimen collection are not regular or pre-scheduled, but truly random.
2. The Drug Test Coordinator shall keep the call confidential and not allow the licensee to obtain prior notice of any calls.
3. The licensee must report to the approved drug test collection site within 12 hours of being called.
4. The Drug Test Coordinator is responsible for verifying that the specimen was provided within twelve hours of the call and to notify the Board of Nursing if it was not. The Drug Test Coordinator is responsible for reporting to the Board of Nursing any and all refusals to respond within the twelve (12) hour deadline, refusals of any calls, or not being available for calls.
5. When a drug test report indicates the specimen was dilute the Drug Test Coordinator should instruct the licensee for subsequent tests to restrict fluids.
6. Drug test results must be mailed to the Board of Nursing within 48 hours of receipt of the results by the Drug Test Coordinator.

Specimen Collection

1. The specimen to be collected is urine; however, in cases of testing for ethanol, blood or breath may be required by the Board.
2. The collector must positively identify the licensee. This is done through photo id, such as a NM drivers license.

Benzodiazepines (to include but not limited to Diazepam, Oxazepam, Lorazepam, Alprazolam, Flurazepam and/or their metabolites.)	Urine	200 ng/mL	200 ng/mL
Cannabinoids (products of Marijuana) confirming for THCA.	Urine	20 ng/mL	15 ng/mL
Cocaine (to include the cocaine metabolite: Benzoylcegonine)	Urine	300 ng/mL	150 ng/mL
Methadone (to include the methadone metabolite: EDDP)	Urine	300 ng/mL	200 ng/mL
Methaqualone (active ingredient of Quaalude)	Urine	300 ng/mL	300 ng/mL
Meperidine and Pentazocine (Demerol and Talwin)	Urine	200 ng/mL	200 ng/mL
Opiates (to include but not limited to Morphine, Heroin, Codeine, Hydrocodone, Hydromorphone and Oxycodone);	Urine	300 ng/mL	300 ng/mL
Phencyclidine (aka PCP, Angel Dust)	Urine	25 ng/mL	25 ng/mL
Propoxyphene (to include the prooxyphene metabolite: Norpropoxyphene)	Urine	300 ng/mL	200 ng/mL

Other drugs such as the following may be specifically requested by the Board:

- a. Tramadol.
- b. Phentermine.
- c. Methylenedioxyamphetamine (MDA).
- d. Methylenedioxymethamphetamine (MDMA).
- e. Specific drug of choice and/or other drugs specified by the Board of Nursing.

In addition, the laboratory must also test each specimen for nitrites, pH, creatinine and specific gravity (when warranted by creatinine results).

If a drug screen is positive for opiates, the ingestion of poppy seeds will not be accepted as a reason for the positive test. It is advised that you eliminate poppy seed from your diet.

6. The Drug Test Report will include:

- c. Invalid/unsuitable specimens include but are not limited to:
 - 1) pH < 4.5 and > 3.0 or >9.0 and <11.0.
 - 2) creatinine = 5.0 mg/dL and specific gravity < 1.020 and = 1.003.
- d. Dilute specimens are defined as:
 - 1) Creatinine < 20 mg/dL (but greater than 5.0 mg/dL) and specific gravity <1.003 (dilute).
 - 2) Creatinine of = 5.0 mg/dL and specific gravity of 1.002.

New Mexico Board of Nursing
6301 Indian School NE, Suite 710
Albuquerque, NM 87110
505-841-8340

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Approved: April 27, 2001

Revised: June 22, 2001

Revised: October 18, 2001

Reviewed: October 2004

BEFORE THE BOARD OF NURSING
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:
TAMMY EVANS
LICENSE NO. R52672

Respondent.

I certify this to be a true copy of the
records on file with the New Mexico
Board of Nursing.
Signed: CP

NOTICE OF CONTEMPLATED ACTION

1. The Respondent is licensed or applying to be licensed under the Nursing Practice Act, N.M. Stat. Ann. §61-3-1 through N.M. Stat Ann. §61-3-30 (Michie 1999), and is subject to the jurisdiction of the New Mexico Board of Nursing ("BON").

2. The BON has sufficient evidence which, if not rebutted or explained, will justify the BON in suspending or revoking or taking other action against the Respondent's license pursuant to N.M. Stat. Ann. §61-3-28 A. (4) and (6) (Michie 1999), N.M Stat. Ann.; Subsection C., Paragraph (2), subparagraph and (n) of 16.12.1.9

N.M. Admin. Code (recodified as of July 30, 2001) all of which state in pertinent part:

61-3-28. Disciplinary proceedings; judicial review; application of Uniform Licensing Act; limitation.

A. In accordance with the procedures contained in the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978], the board may deny, revoke or suspend any license held or applied for under the Nursing Practice Act [61-3-1 to 61-3-30 NMSA 1978] or reprimand or place a licensee on probation upon grounds that the licensee or applicant:

- (4) is intemperate or is addicted to the use of habit-forming drugs;
and/or;
- (6) is guilty of unprofessional conduct as defined by the rules and regulations adopted by the board pursuant to the Nursing Practice Act;

16.12.1.9 Disciplinary Action

C. Grounds for Action

(2) For the purpose of Section 61-3-28 (A)(6) NMSA, 1978, supra, "unprofessional conduct" includes, but is not limited to, the following:

(n) Engaging in the practice of nursing when judgment or physical ability is impaired by alcohol or drugs or controlled substances.

3. The general nature of the allegations is contained in Attachment 1 to this Notice of Contemplated Action.

4. Unless the respondent within twenty days after service of this notice deposits in the mail a certified return receipt requested letter addressed to the BON at the address below containing a request for hearing, the BON will take the contemplated action.

61-1-8. Rights of person entitled to hearing.

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1979] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer.

All notices issued pursuant to §61-1-4 NMSA 1978 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

(1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and

(2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

01/09/07
Date

Alison Kozlowski
Executive Director
New Mexico Board of Nursing
6301 Indian School Rd NE Suite 710
Albuquerque, NM, 87109
505-841-9082

Certified Mail No.: 70053116 0002 8084 1646
Return Receipt Requested