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AGREED
ORDER

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1) and (10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 18, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 Regents College, Albany, New York, on February 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on July 2, 1996.

5. Respondent's professional nursing employment history includes:

1996 - 9/99	Staff Nurse	Arlington Memorial Hospital Arlington, Texas
6/97 - 8/97	Staff Nurse	Huguley Hospital Fort Worth, Texas
1998	Staff Nurse	Apria Home Health Irving, Texas
11/98 - 7/99	Staff Nurse	Vencor Hospital Mansfield, Texas
1999	Staff Nurse	Plaza Medical Center Fort Worth, Texas
2000	Staff Nurse	IHS Benbrook Benbrook, Texas
2000	Staff Nurse	Park View Care Center Fort Worth, Texas
2000	Staff Nurse	Forest Hill Nursing Center Fort Worth, Texas
2000	Staff Nurse	Cityview Care Center Fort Worth, Texas
8/00 - 9/00	Staff Nurse	Vitas Healthcare Corp. Fort Worth, Texas
2000 - 2001	Staff Nurse	Autumn Years Lodge Fort Worth, Texas
2001	Staff Nurse	Gardens Care Center Fort Worth, Texas
2001	Staff Nurse	Sycamore Care Center Fort Worth, Texas
2001	Staff Nurse	Westhaven Care Center Fort Worth, Texas

Respondent's professional nursing employment history continued:

9/01 - 12/04	Not employed in nursing	
1/05 - 6/05	Office Nurse	North Texas Nephrology Bedford, Texas
7/05 - 9/05	Unknown	
10/05 - 3/06	Staff Nurse	Village Creek Nursing Center Fort Worth, Texas
4/06 - 7/06	Staff Nurse	Tarrant Dialysis Center Fort Worth, Texas
8/06 - present	Staff Nurse	West Side Campus of Care Fort Worth, Texas

6. On November 9, 1999, Respondent was issued the sanction of a Warning with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the November 9, 1999, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On September 6, 2001, the Board accepted the voluntary surrender of Respondent's license to practice professional nursing in the State of Texas. A copy of the September 6, 2001, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
8. On November 9, 2004, Respondent's license to practice professional nursing was Reinstated by the Board of Nurse Examiners for the State of Texas. A copy of the November 9, 2004, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
9. On or about December 4, 2005, Respondent failed to comply with the Reinstatement Agreed Order issued to her on November 9, 2004, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Four (4) of the Reinstatement Agreed Order which states, in pertinent part:

(4) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in medication administration....The course shall contain a minimum twenty-four (24) hour clinical component....
10. Formal Charges were filed on November 10, 2006.

11. Formal Charges were mailed to Respondent on November 15, 2006.
12. In a letter dated January 22, 2007, Respondent indicated she will be completing the Medication Administration course through WholeHealth Services, Austin, Texas, and is waiting on the next available date.

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 violations of Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 631047, heretofore issued to MICHELE RENEE CEPACK, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Reprimand with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

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 that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty (\$250.00) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) RESPONDENT SHALL comply with Stipulation Number Four (4) of Order issued November 9, 2004, and complete the required course within six (6) months of the entry of this Order.

(3) The Order of the Board issued to RESPONDENT on November 9, 2004, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional 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 violation 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of July, 2007.

Michele Renee Cepak

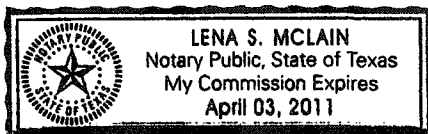
MICHELE RENEE CEPACK, Respondent

Sworn to and subscribed before me this 9th day of July, 2007.

SEAL

Lena S. McLain

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 9th day of July, 2007, by MICHELE RENEE CEPACK, Registered Nurse License Number 631047, and said Order is final.

Effective this 14th day of August, 2007.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 631047	§	REINSTATEMENT
issued to MICHELE R. RICO	§	AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 631047, held by MICHELE R. RICO, hereinafter referred to as Petitioner.

An informal conference was held on September 21, 2004, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by Rachel Sheeran, Attorney at Law. In attendance were Mary Beth Thomas, MSN, RN, Director of Nursing, Executive Director's Designee; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Michele Delisle, RN, Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Regents College, Albany, New York, on February 1, 1996. Petitioner was originally licensed to practice professional nursing in the State of Texas on July 2, 1996.
4. Petitioner's professional employment history included:

1996 - 9/99	Staff Nurse	Arlington Memorial Hospital Arlington, Texas
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Petitioner's employment history continued:

6/97 - 8/97	Staff Nurse	Huguley Hospital Fort Worth, Texas
1998	Staff Nurse	Apria Home Health Irving, Texas
11/98 - 7/99	Staff Nurse	Vencor Hospital Mansfield, Texas
1999	Staff Nurse	Plaza Medical Center Fort Worth, Texas
2000	Staff Nurse	IHS Benbrook Benbrook, Texas
2000	Staff Nurse	Park View Care Center Fort Worth, Texas
2000	Staff Nurse	Forest Hill Nursing Center Fort Worth, Texas
2000	Staff Nurse	Cityview Care Center Fort Worth, Texas
8/00 - 9/00	Staff Nurse	Vitas Healthcare Corp. Fort Worth, Texas
2000 - 2001	Staff Nurse	Autumn Years Lodge Fort Worth, Texas
2001	Staff Nurse	Gardens Care Center Fort Worth, Texas
2001	Staff Nurse	Sycamore Care Center Fort Worth, Texas
2001	Staff Nurse	Westhaven Care Center Fort Worth, Texas
2001 - present	Not employed in nursing	

5. On November 9, 1999, Petitioner's license to practice professional nursing was issued the sanction of a Warning with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the November 9, 1999, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On September 6, 2001, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing. A copy of the September 6, 2001, Agreed Order, Findings of Fact, and Conclusions of Law, accepting the surrender of Petitioner's license is attached and incorporated, by reference, as a part of this Order.
7. On or about July 2, 2004, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
8. Petitioner presented the following in support of her petition:
 - 8.1. Documentation, dated July 20, 2004, from Charles Creasy, Center for Therapeutic Change. Mr. Creasy submits a copy of Petitioner's certificate of completion for the Intensive Relapse Prevention Program, dated July 18, 2003, as well as a copy of a urinalysis, dated July 19, 2003, submitted by Petitioner.
 - 8.2. Documentation, dated June 23, 2004, from Harris David, Case Worker, Mental Health/Mental Retardation of Tarrant County, Hurst, Texas. Mr. David states Petitioner completed the Supportive Outpatient Program on April 9, 2004. To the best of Mr. David's knowledge and belief, Petitioner is making good progress in recovery.
 - 8.3. Letter of support, dated June 22, 2004, from Andrea May, RN, K B Healthcare, Inc., Fort Worth, Texas. Ms. May states as a former manager of Petitioner, she can state that she is a well missed asset to the nursing community and would be delighted to offer her employment when her license is reinstated.
 - 8.4. Letter of support, dated June 27, 2004, from Kenneth R. Peugh, Fort Worth, Texas. Mr. Peugh states Petitioner has recognized the necessity to effect meaningful, positive changes in her life and has worked very diligently to do so. This recognition has allowed her to move forward into the future with renewed determination and resolve. Mr. Peugh states in August 2003, he had shoulder surgery at Harris Methodist Hospital HEB and was placed under the care of an infectious disease doctor which required four (4) weeks of home therapy with professional assistance. With the assistance of Petitioner and her mother, who is also a nurse, Mr. Peugh did not require other home health care. Although Mr. Peugh was in a time of emotional distress, he had confidence in Petitioner's nursing skills after the very first treatment period. Not only did she explain the process in terms he could understand, but she was caring, patient and gave him emotional support. Over the past year, Petitioner

hard (PS)
has worked very ~~had~~ in her personal life, participating in counseling and classes to qualify for reinstatement consideration. Her life is back on track and her future is bright.

- 8.5. Letter of support, undated, from Angella Simon-Kinney, Arlington, Texas. Ms. Simon-Kinney states she has had the unique opportunity to work professionally with Petitioner while being employed at LA Weight Loss. They started training together as strangers and as the months passed, she became more impressed by her, above and beyond work ethics. It was not uncommon for clients to ask for Petitioner. They felt supported, safe, and comfortable while allowing her to draw their blood and give them weight loss advice. Petitioner was accountable and competent in her job function, therefore the clients trusted and looked forward to seeing her during their weekly visits.
- 8.6. Letter of support, dated June 14, 2004, from Carol Ward Triggs, Arlington, Texas. Ms. Triggs states she worked with Petitioner at LA Weight Loss and is one of the most trustworthy and reliable people she has ever known. Her performance there was outstanding. She was reliable, was never short on the register, fulfilled her promises to staff and to clients, and was at work on time. Petitioner was always concerned with the client's well being, went out of her way repeatedly to get the results from the lab on blood work. Aside from having all the characteristics necessary to health care professionals, Petitioner is one of the kindest individuals Ms. Triggs has ever met. Everything about Petitioner indicates that she is meant to be a nurse. Her competency, accountability to herself and others, her integrity, her concern for others, and her obvious intelligence are all cornerstones to her character.
- 8.7. Letter of support, dated June 8, 2004, from Gwen Dozier, Haltom City, Texas. Ms. Dozier states she worked daily with Petitioner at LA Weight Loss. She is a very competent, caring individual. She displayed integrity, support and honesty with each client she met at LA Weight Loss. Petitioner drew blood daily from clients and made them feel comfortable. She always maintained a level of "client's best interest" and performed her job duties very well. Petitioner is an honest and trustworthy person that Ms. Dozier recommends highly.
- 8.8. Documentation of a negative drug screen dated June 22, 2004.
- 8.9. Verification of successful completion of thirty-two (32) Type I Continuing Education Contact Hours.
9. Petitioner gives February 26, 2002, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of MICHELE R. RICO, license number 631047, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §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 the stipulations contained in this Order:

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to MICHELE R. RICO, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics. PETITIONER 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) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a

Verification of Course Completion form, provided by the Board, to verify PETITIONER's successful completion of the course. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in medication administration. PETITIONER 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. PETITIONER SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. PETITIONER SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify PETITIONER'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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing documentation. PETITIONER 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. PETITIONER SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify PETITIONER'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 on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF

UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(7) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(8) For the first year of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of

two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) PETITIONER SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Petitioner is regularly assigned for one (1) year of employment as a professional nurse.

(11) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(12) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(13) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(14) PETITIONER 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, PETITIONER 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 PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(15) PETITIONER 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 second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

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 PETITIONER's place of employment at any time during the stipulation period and require PETITIONER 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. PETITIONER 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 will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(16) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. 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 18 day of October, 2004.

Michele R. Rico
MICHELE R. RICO, Petitioner

Sworn to and subscribed before me this 18 day of October, 2004.

SEAL



Rachel Sheeran
Notary Public in and for the State of TEXAS

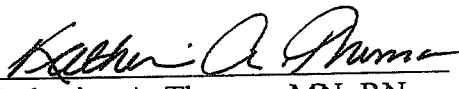
Approved as to form and substance.

Rachel Sheeran
RACHEL SHEERAN, Attorney for Petitioner

Signed this 18 day of October, 2004.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 18th day of October, 2004, by MICHELE R. RICO, license number 631047, and said Order is final.

Effective this 9th day of November, 2004.


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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 631047 § AGREED
issued to MICHELE R. RICO (VINSON) § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 631047, issued to MICHELE R. RICO, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from The University of New York, Albany, New York, in 1996. Respondent was licensed to practice professional nursing in the State of Texas in 1996.
5. Respondent's professional employment history includes:

1996-9/28/1999

Staff Nurse
CCU
Arlington Memorial Hospital
Arlington, Texas

Respondent's professional employment history continued:

1998	Staff Nurse/Part Time Apria Home Health Irving, Texas
11/1998-7/1999	Staff Nurse Vencor Hospital Southwest Fort Worth, Texas
7/1999-8/2000	Unknown
8/2000-9/2000	Staff Nurse VITAS Innovative Hospice Care Fort Worth, Texas
Present	Unknown

6. At the time of the incidents, Respondent was employed as a Staff Nurse with Vencor Hospital Fort Worth Southwest, Fort Worth, Texas, Arlington Memorial Hospital, Arlington, Texas, and VITAS Innovative Hospice Care, Fort Worth, Texas.
7. Respondent is non-compliant with an Order of the Board entered November 9, 1999 by failing to complete Stipulations #2 and #3 by November 9, 2000 which was required by the Order. The November 9, 1999 Order of the Board is attached and incorporated as part of this Order.
8. Formal Charges were filed on July 2, 2001. A copy of the Formal Charges is attached and incorporated as part of this Order.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. 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 violations of Article 4525(b)(9)&(12), TEX. REV. CIV. STAT. ANN., 22 TEX. ADMIN. CODE §217.11(7), 22 TEX. ADMIN. CODE §217.13(3),(5)&(14), and Section 301.452(b)(1),(9),(10),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(7), and 22 TEX. ADMIN. CODE §217.12(3),(12),(16),(18),(20),(22)&(23).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 631047, heretofore issued to MICHELE R. RICO, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26-29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the voluntary surrender of License Number 631047, heretofore issued to MICHELE R. RICO, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to MICHELE R. RICO, to the office of the Board of Nurse Examiners.

- Page 3 of 20
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
 3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
 4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, 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.

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RESPONDENT'S CERTIFICATION

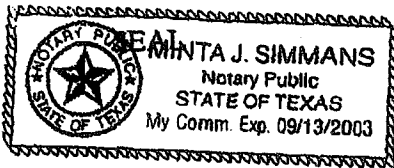
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I have reviewed this Order. I neither admit nor deny the violations 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 19 day of July, 2001.

MICHELE R. RICO
MICHELE R. RICO, Respondent

Sworn to and subscribed before me this 19th day of July, 202001



MINTA J. SIMMANS
Notary Public in and for the State of TEXAS


~~Approved as to form and substance.~~

~~Rachel Sheeran, Attorney for Respondent~~

~~Signed this _____ day of _____, 20____~~

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 631047, previously issued to MICHELE R. RICO.

Effective this 6th day of September, 2001.


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

In the Matter of Permanent License	§	BEFORE THE BOARD
Number 631047, Issued to	§	OF NURSE EXAMINERS
MICHELE R. RICO, Respondent	§	FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHELE R. RICO, is a Registered Nurse holding license number 631047, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about May 14, 1999, while employed with Vencor Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent documented removing morphine 10 milligrams (mg) on the controlled substances record for Medical Record # 11264 six (6) times during her shift. Respondent failed to document in the nurse's notes the need for the morphine for Medical Record # 11264, the effect of the administration of morphine, or a 2400 assessment of the patient as follows:

Patient	Physician's Order	Pyxis	MAR	Waste	Nurse's Notes
MR #11264 5/14/99	MS 2-6 mg IV Q 2 hours prn	1940 MS10 mg	1940 4 mg	1940 6 mg	No documentation of patient's need for medication or response to med.
		2140 MS 10 mg	2140 4 mg	2145 6 mg	
		2350 MS 10 mg	2350 6 mg	2350 4 mg	
		0155 MS 10 mg	0155 4 mg	0155 6 mg	
		0410 MS 10 mg	0410 4 mg	0410 6 mg	
		0605 MS 10 mg	0605 4 mg	0605 6 mg	
	Assessments Q 4 hours per protocol			All witnessed	Assessment documented at 1945. No assessment documented at 2400.

The above action unnecessarily exposed the patient to the risk of harm and constitutes a violation of Article 4525(b)(12), TEX. REV. CIV. STAT. ANN., and 22 TEXAS ADMIN. CODE §217.11(7).

CHARGE II.

On or about May 15, 1999, while employed with Vencor Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent failed to document any assessment or other information on Medical Record # 11264 from 2355 to 0642 on May 16, 1999.

The above action unnecessarily exposed the patient to the risk of harm and constitutes a violation of Article 4525(b)(12), TEX. REV. CIV. STAT. ANN., and 22 TEXAS ADMIN. CODE §217.11(7).

CHARGE III.

On or about May 19, 1999, while employed with Vencor Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent withdrew morphine 10 mg for Medical Record # 11264. Respondent was not assigned to care for this patient, and failed to document the disposition of the morphine she withdrew in any way.

The above action was likely to deceive the facility and harm the patient and constitutes a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEXAS ADMIN. CODE §217.13(5)&(14).

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CHARGE IV.

On or about May 29, 1999, while employed with Vencor Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent signed out seven (7) vials of morphine 10 mg for Medical Record #11264, failed to accurately document the administration of morphine, and failed to obtain witnesses for the wastage of morphine 4 mg from each vial as follows:

Patient	Physician's Order	Pyxis	MAR	Waste	Nurse's Notes
MR # 11264 5/29/99	MS 2-6 mg IV Q 2 hours pm	1900 MS 10 mg	2010 6 mg	2030 4 mg	Administered for pain, discomfort, facial grimacing
		2135 MS 10 mg		2130 4 mg	
		2350 MS 10 mg		2350 4 mg	
			0010 6 mg		
		0210 MS 10 mg	0210 6 mg	0210 4 mg	
		0420 MS 10 mg	0400 6 mg	0420 4 mg	
		0530 MS 10 mg		0630 4 mg	
		0720 MS 10 mg	0700 6 mg	0730 4 mg No wastage witnessed	

The above action was likely to deceive the facility and constitutes a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEXAS ADMIN. CODE §217.13(5)&(14).

CHARGE V.

On or about June 3, 1999, while employed with Vencor Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent documented wastage of morphine 6 mg from a dose signed out for Medical Record # 11264 and failed to have a witness for wastage as required.

The above action was likely to deceive the facility and constitutes a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEXAS ADMIN. CODE §217.13(14).

CHARGE VI.

On or about June 9, 1999, while employed with Vencor Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent withdrew three (3) doses of Fentanyl 250 micrograms (mcg) in 5 milliliters (ml) for Medical Record #12060 during her shift. However, Respondent documented discrepancies in her administration of Fentanyl on the controlled substance sign out sheet and the Medication Administration Record. Additionally, in the wastage section of the sheet, Respondent documents the administration and wastage of apparently the same medication in wholly different times and amounts as follows:

Patient	Physician's Order	Pyxis	MAR	Waste	Nurse's Notes
MR # 12060 6/9/99	25-50 mcg Fentanyl Q 1-2 hours IV prn	1930 250 mcg/5 ml Fentanyl; .03 given	1930 .05 mg	2330.50 mcg	Administered for c/o pain, grimacing, discomfort
			2030 .05 mg		
			2230 .05 mg		
			2330 .05 mg		
		0130 250 mcg/5ml Fentanyl; .05 given		0245 150 mcg	
		0400 250 mcg/5 ml Fentanyl; .08 given		0555 150 mcg	
				All wastage witnessed	

The above action was likely to deceive the facility and constitutes a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEXAS ADMIN. CODE §217.13(5).

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CHARGE VII.

On or about June 17, 1999, while employed with Vencor Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent signed out morphine 10 mg for Medical Record # 11264 at 0120, but administered four (4) milligrams, and wasted six (6) milligrams. Respondent failed to have a witness document the wastage as required.

The above action was likely to deceive the facility and constitutes a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEXAS ADMIN. CODE §217.13(5)&(14).

CHARGE VIII.

On or about June 18, 1999, while employed with Vencor Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent signed out two (2) vials of morphine 10mg, but failed to have a witness document the wastage as required.

The above action was likely to deceive the facility and constitutes a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEXAS ADMIN. CODE §217.13(5)&(14).

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CHARGE IX.

On or about June 23, 1999, while employed with Vencor Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent withdrew six (6) vials of morphine 10 mg in a frequency in excess of physician orders, and administered four (4) mg from each vial. Respondent failed to accurately document the administration of morphine at 2100 as follows:

Patient	Physician's Order	Pyxis	MAR	Waste	Nurse's Notes
MR #12080 6/23/99	MS 2-4 mg Q 4-6 hours prn	2100 MS 10 mg, 4 mg given 1900 MS 10 mg, 4 mg given 0000 MS 10 mg, 4 mg given 0200 MS 10 mg, 4 mg given 0400 MS 10 mg, 4 mg given 0600 MS 10 mg, 4 mg given	1900 4 mg 0000 4 mg 0200 4 mg 0400 4 mg 0600 4 mg	2100 6 mg 1900 6 mg 0000 6 mg 0200 6 mg 0400 6 mg 0600 6 mg All wastage witnessed	Administered for discomfort, pain

The above action was likely to injure the patient and deceive the facility and constitutes a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEXAS ADMIN. CODE §217.13(3)&(5).

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CHARGE X.

On or about September 24-25, 1999, while employed at Arlington Memorial Hospital in Arlington, Texas, Respondent withdrew narcotics for Medical Records #V4146742, V4154845, and V4154845 but failed to document the administration of the medications completely and accurately as follows:

Patient and Date	Physician's Order	Pyxis	MAR	Waste	Nurse's Notes
Pt #V414674 2 9/24-9/25/99	PCA Morphine infusion Morphine 5 mg IV Q 2 hours prn	Morphine 10 mg withdrawn by Respondent	Nothing documented	0	Nothing documented Respondent not assigned to patient
Pt #V415484 5 9/24-9/25/99	Ativan 4-6 mg IV prn	2036 Ativan 2 mg 2118 Ativan 2 mg, 2 vials 2209 Ativan 2mg 2250 Ativan 2 mg, 2 vials 0107 Ativan 2 mg	2015 only with no amount specified	0	Nothing documented as related to Ativan
Pt #V415484 5 9/24-9/25/99	Diprivan 40-60 mg/hr	2208 Diprivan 1000 mg 0106 Diprivan 100 mg 0123 Diprivan 1000 mg, 2 vials	Hung at 0130 to titrate	0	Nothing documented

The above action was likely to deceive the facility and harm the patient and constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEXAS ADMIN. CODE §217.12(18)&(20).

CHARGE XI.

On September 24, 1999, while employed at Arlington Memorial Hospital in Arlington, Texas, Respondent failed to document any admission notes or assessment for Medical Record # V4154845 who was admitted to the Intensive Care Unit (ICU) and assigned to Respondent..

The above action unnecessarily exposed the patient to the risk of harm and constitutes a violation of Section 301.452(b)(13), Texas Occupations Code, and 22 TEXAS ADMIN. CODE §217.11(7).

CHARGE XII.

On or about September 28, 1999, while employed at Arlington Memorial Hospital in Arlington, Texas, Respondent was found asleep at a bedside in ICU while on duty. When awakened, Respondent spoke with "slurred speech" and "staggered" when she attempted to walk.

The above action could result in injury to the patient and constitutes a violation of Section 301.452(b)(12), Texas Occupations Code.

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CHARGE XIII.

On or about August 26, 2000, while employed by VITAS Innovative Hospice Care in Fort Worth, Texas, Respondent administered additional doses of Roxanol to Medical Record # 379577 in excess of physician orders, but failed to document the administration of the medication. The bottle was found with more Roxanol missing than should have been.

The above action was likely to deceive the agency and subsequent caregivers and injure the patient and constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEXAS ADMIN. CODE §217.12(3)&(20).

CHARGE XIV.

On or about August 26, 2000, while employed by VITAS Innovative Hospice Care in Fort Worth, Texas, Respondent spilled eight and three-quarters (8 3/4) cubic centimeters (cc) of Roxanol belonging to Medical Record # 379577, but failed to document the spill.

The above action was likely to deceive the agency and subsequent caregivers and constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEXAS ADMIN. CODE §217.12(20).

CHARGE XV.

On or about August 26, 2000, while employed by VITAS Innovative Hospice Care in Fort Worth, Texas, Respondent accepted an assignment for which she was unfit, as demonstrated by "almost falling asleep twice at the kitchen table" and making inappropriate comments in front of Medical Record #379577 and this patient's family.

The above action was likely to injure the patient and constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEXAS ADMIN. CODE §217.12(12).

CHARGE XVI.

On or about August 26, 2000, while employed by VITAS Innovative Hospice Care in Fort Worth, Texas, Respondent caused emotional harm to Medical Record #379577 and this patient's family through her inappropriate comments, such as telling the patient he was terminally ill, and then stating the patient was "just so cute."

The above action was likely to injure the patient and constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEXAS ADMIN. CODE §217.12(16).

CHARGE XVII.

During 2000, Respondent failed to accurately complete her application for employment with VITAS by omitting Vencor Hospital Fort Worth Southwest as a previous employer.

The above action was likely to deceive the agency and constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEXAS ADMIN. CODE §217.12(22)&(23).

CHARGE XVIII.

On or about November 10, 2000, Respondent became non-compliant with an Order of the Board entered November 9, 1999, when she failed to complete courses in Nursing Jurisprudence and Medication Administration as required by Stipulations #2 and #3 of the Order. The November 9, 1999 Order of the Board is attached and incorporated as part of these Charges.

The above action constitutes a violation of Section 301.452(b)(1), Texas Occupations Code.

CHARGE XIX.

During January, 2001, Respondent admitted an on-going substance abuse problem when she signed paperwork expressing her desire to participate in the TPAPN program.

The above substance abuse problem could result in injury to a patient or the public and constitutes a violation of Section 301.452(b)(9)&(12), Texas Occupations Code.

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NOTICE IS GIVEN that staff will present evidence in support of any recommended disposition of this matter pursuant to the factors stated in the Board's rule regarding penalty/sanction factors, 22 TEX. ADMIN. CODE, Section 213.33. NOTICE IS GIVEN that all statutes and rules cited in these Charges are attached and incorporated as a part of this pleading. NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which is attached and incorporated by reference as part of these charges, will be offered in support to the disposition recommended by staff. Agreed Order dated November 9, 1999.

Filed this 2nd day of July, 2001.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



By: James W. Johnston, General Counsel
Board Certified Administrative Law
Texas Board of Legal Specialization
SBN: 10838300
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Austin, Texas 78701
(512) 305-6824
(512) 305-7401 (Fax)

By: Phong Phan, Assistant General Counsel
SBN: 24010588
333 Guadalupe, Tower 3, Suite 460
Austin, Texas 78701
(512) 305-6823
(512) 305-7401 (Fax)

Attachments: Sections 301.452(b)
Articles 4525(a) and (b), Texas Revised Civil Statutes Annotated, as amended (97)
Section 213.33, 22 Texas Administrative Code (repeal and new chapter adopted 06/98,
change effective 09/01/98. Amended 06/99, effective 07/20/99)
Order of the Board dated November 9, 1999
Section 217.11, 22 Texas Administrative Code (97) and (99)
Section 217.12, 22 Texas Administrative Code (99)
Section 217.13, 22 Texas Administrative Code (97)

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 631047 § AGREED
issued to MICHELE R. VINSON § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MICHELE R. VINSON, License Number 631047, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(12), Revised Civil Statutes of Texas, as amended. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on August 16, 1999, by Katherine A. Thomas, MN, RN, 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.
2. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from The University of New York, Albany, New York, in 1996. Respondent was licensed to practice professional nursing in the State of Texas in 1996.
5. Respondent's professional employment history includes:

1996 - Present	Staff Nurse/CCU	Arlington Memorial Hospital Arlington, Texas
1998 (Part Time)	Staff Nurse	Apria Home Health Irving, Texas
11/98 - 07/99 (Part Time)	Staff Nurse	Vencor Fort Worth, Texas

6. At the time of the incidents, Respondent was employed as a Staff Nurse in the Cardiac Care Unit with Arlington Memorial Hospital in Arlington, Texas, and had been in this position for fourteen (14) months.
7. On or about December 26, 1998, while employed at Arlington Memorial Hospital, Arlington, Texas, Respondent administered a dose of Amphotericin B to a patient identified as Account #V00003089901 intravenously, when the medication was intended to be given as a bladder irrigation. Respondent's conduct unnecessarily exposed the patient to the risk of common side effects of Amphotericin B, such as fever, chills and hypotension.
8. On the same date at the aforementioned facility, Respondent failed to clarify the physician's incomplete order for the administration of the Amphotericin B. Respondent's conduct unnecessarily exposed the patient to the common side effects of the medication as a result of administering it intravenously, rather than as a bladder irrigation, as intended.
9. The order for this medication was written on a previous shift, and Respondent administered the medication according to directions on the fluid's label, as dispensed by the pharmacist. The hospital retained the Respondent as an employee, and has made several changes in the method orders are transmitted to the pharmacy, and the way that medications are delivered to the units.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, 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 Article 4525(b)(12), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.11(5)&(6).

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4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against License Number 631047, heretofore issued to MICHELE R. VINSON, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Art. 4513 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.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to MICHELE R. VINSON, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) 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. Home study courses and video programs will not be approved. The target audience must include registered nurses. The didactic portion of this course must be a minimum of six (6) hours in length. The course must contain a minimum twenty-four (24) hour clinical component which is to be supervised by another registered nurse. To be approved, the course's content must 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 adverse effects resulting from improper administration. The 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 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 is to be taken in addition to any continuing education requirements the Board has for relicensure.

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IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT:

(4) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided 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 to the Board's office within five (5) days of employment as a professional nurse.

(6) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order,

RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in the

State of Texas.

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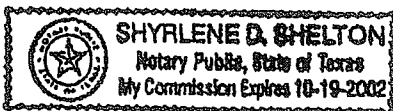
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RESPONDENT'S CERTIFICATION

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

Signed this 29th day of September 1999
Michele R. Vinson
MICHELE R. VINSON, Respondent

Sworn to and subscribed before me this 29th day of September, 1999.

SEAL



Shylene D. Shelton
Notary Public in and for the State of _____


Approved as to form and substance.

Rachel Sheeran
Rachel Sheeran, Attorney for Respondent

Signed this 12 day of Oct, 1999.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 29th day of October, 19 99, by MICHELE R. VINSON, License Number 631047, and said Order is final.

Effective this 9th day of November, 19 99.


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