



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.
Patricia Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 668745 § AGREED
issued to SUSIE ARGUELLO § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereina referred to as the Board, produced evidence indicating that SUSIE ARGUELLO, hereinafter referred to as Respondent, License Number 668745, may have violated Section 301.452(b)(9) & (10), Texas Occupations Code.

An informal conference was held on May 27, 2003, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Shirley Madrid, Attorney at Law. Ms. Madrid subsequently withdrew from representing Respondent. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Noemi Leal, Supervising Investigator.

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 notice and hearing, and consented 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 Cisco Junior College, Abilene, Texas, in December 1999. Respondent was licensed to practice professional nursing in the State of Texas on June 6, 2000.

5. Respondent's professional employment history includes:

1984 - 1986	LVN	Woods Psychiatric Institute Abilene, Texas
1986 - 1988	LVN	Humana Hospital Abilene, Texas
10/88 - 10/89	LVN	Medical Personnel Pool Fort Worth, Texas
1990 - 1993	LVN	MCH Services Houston, Texas
1993 - 1996	LVN	Portamedic San Antonio, Texas
1996 - 1997	LVN	Portamedic Lubbock, Texas
1996 - 1999	LVN	EMSI Abilene, Texas
03/98 - 09/98	LVN	Medical City Dallas Dallas, Texas
09/98 - 02/99	LVN	Brownwood Regional Medical Center Brownwood, Texas
11/98 - 01/00	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
10/00 - 01/03	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
1/00 - 12/01	Staff Nurse CCU	Hendrick Medical Center Abilene, Texas
12/01 - 07/02	Agency Nurse	Travel Nurse International San Francisco, California
07/02 - 09/02	Agency Nurse	Texas Nurse Connection, LLC Abilene, Texas

Respondent's professional employment continued:

04/03 - Present	Staff Nurse NICU	Abilene Regional Hospital Abilene, Texas
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6. On November 19, 1991, Respondent's license to practice vocational nursing was Suspended with the Suspension stayed and Respondent was placed on Probation for two (2) years by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Complaint, Findings of Fact, Conclusions of Law, and Agreed Board Order dated November 19, 1991, is attached and incorporated by reference as part of this Order.
7. On September 15, 1992, Respondent's license to practice vocational nursing was Revoked by the Board of Vocational Nurse Examiners for the State of Texas. Copies of the Complaint, Proposal for Decision, and Order of the Board dated September 15, 1992, are attached and incorporated by reference as part of this Order.
8. On August 11, 1997, Respondent's license to practice vocational nursing was Reinstated with Probation Conditions by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Board Order dated August 11, 1997, is attached and incorporated by reference as part of this Order. Respondent met all the probation conditions on December 29, 1998.
9. On or about December 13, 1999, and April 19, 2000, Respondent submitted Applications for Initial Licensure by Examination to the office of the Board of Nurse Examiners for the State of Texas. Respondent completed the Affidavit of Eligibility for Licensure/Certification and answered as follows:
"I attest to the truth of the following statements:
(3) Have not within the past five (5) years become addicted to or been treated for the use of alcohol or any other drug.
(5) Have never been denied licensure/certification or had disciplinary action taken against me by any governmental authority in any country, state or province."

On or about November 19, 1991, Respondent's license to practice vocational nursing was Suspended, with the Suspension stayed and placed on Probation for two (2) years by the Board of Vocational Nurse Examiners for the State of Texas. The Complaint filed by the Board of Vocational Nurse Examiners states that Respondent was found by a co-worker to be self-injecting Phenergan. On or about September 15, 1992, Respondent's license to practice vocational nursing was Revoked by the Board of Vocational Nurse Examiners for the State of Texas.

10. At the time of the incidents in Findings of Fact number eleven (11), through sixteen (16), Respondent was employed as an Agency Nurse with Texas Nurse Connection, LLC, Abilene, Texas, and had been employed with the agency for approximately two (2) months.

11. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent misappropriated 1700 mg of Demerol belonging to the facility and/or the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.

12. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent engaged in the intemperate use of Demerol. Possession of Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

13. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent withdrew Demerol from the PYXIS medication dispensing system for patients which was in excess frequency and/or dosage of the physician's order. In addition, Respondent withdrew Demerol for patients who were not assigned to her and had already received the medication, as follows:

Date	Time	Patient	Physician's Order	Pyxis Record	Medication Administration Record	Nurses Notes
9/4/02	2131	2666756	Demerol 25mg IV Q 4 hrs PRN	Demerol 25mg	2131	2445
9/5/02	0027	same	same	Demerol 25mg	No	No
9/7/02	0939	2666246	Demerol 75-100mg IV Q 2hrs PRN severe pain	Demerol 100mg	No, Demerol 100mg given by another RN at 0940	No
9/13/02	0008	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/13/02	0009	same	same	Demerol 50mg	No	No
9/13/02	0032	same	same	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/16/02	2107	same	same	Demerol 50mg	No	No
9/16/02	2144	same	same	Demerol 50mg	No	No
9/16/02	2337	same	same	Demerol 50mg	No	No

Date	Time	Patient	Physician's Order	Pyxis Record	Medication Administration Record	Nurses Notes
9/17/02	2118	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/17/02	2119	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0311	same	same	Demerol 50mg	No	No
9/18/02	0312	same	same	Demerol 50mg	No	No

Respondent's conduct was likely to injure the patients in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions.

14. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent withdrew Demerol from the PYXIS medication dispensing system for patients but failed to follow the policy and procedure for the wastage. Respondent's conduct was likely to deceive the pharmacy and placed them in violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).
15. On or about September 4, 2002, through September 18, 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent withdrew Demerol from the PYXIS medication dispensing system for patients but failed to accurately and completely document the administration in the patients' Medication Administration Record (MAR) and Nurses Notes, as follows:

Date	Time	Patient	Physician's Order	PYXIS Record	MAR	Nurses Notes
9/4/02	2131	2666756	Demerol 25mg IV Q 4 hrs PRN	Demerol 25mg	2131	2445
9/7/02	0939	2666246	Demerol 75-100mg IV Q 2hrs PRN severe pain	Demerol 100mg	No	No
9/7/02	1526	same	same	Demerol 100mg	No	No
9/8/02	1416	same	same	Demerol 100mg	No	No
9/12/02	0144	same	Demerol 100mg IV Q 4 hrs PRN pain	Demerol 100mg	No	No
9/13/02	0008	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/13/02	0009	same	same	Demerol 50mg	No	No

Date	Time	Patient	Physician's Order	PYXIS Record	MAR	Nurses Notes
9/13/02	0032	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/16/02	2107	same	same	Demerol 50mg	No	No
9/16/02	2144	same	same	Demerol 50mg	No	No
9/16/02	2337	same	same	Demerol 50mg	No	No
9/17/02	2118	same	same	Demerol 50mg	No	No
9/17/02	2119	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0311	same	same	Demerol 50mg	No	No
9/18/02	0312	same	same	Demerol 50mg	No	No

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

16. At the time of the incidents in Findings of Fact number seventeen (17) and eighteen (18), Respondent was employed as an Agency Nurse with Nurses Unlimited Managed Care, Inc., Odessa, Texas, and had been employed with the Agency for approximately two (2) years and one (1) month.
17. On or about November 2002, through December 2002, while employed with Nurses Unlimited Managed Care, Inc., Odessa, Texas, and on assignment at San Angelo Community Medical Center, San Angelo, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
18. On or about December 2002, while employed with Nurses Unlimited Managed Care, Inc., Odessa, Texas, and on assignment at San Angelo Community Medical Center, San Angelo, Texas, Respondent engaged in the intemperate use of Demerol in that Respondent provided a specimen for a drug screen which tested positive for Demerol. Possession of Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

19. On August 8, 2003, Respondent completed a Forensic Psychological Evaluation performed by Jarvis A. Wright, Ph.D., Psychologist, San Angelo, Texas. Dr. Wright states that he administered the Substance Abuse Subtle Screening Inventory as an objective measure of substance dependency. "I asked Susie to respond to the inventory twice, one time to reflect her entire life and another to reflect the past year of her life. The two profiles were essentially identical. Both were defensive. Neither met the criteria for high probability of having a substance dependence disorder. Susie did not exhibit mental disorder or defect sufficient to impair her capacity to follow the rules of practice described in the documents provided to me by the Board of Nurse Examiners for the State of Texas. In my opinion, Susie's relative freedom from serious mental illness constituted a reasonable probability that she would be able to consistently behave in accordance with the requirements of Rule 213.27-213.29 at 22 Texas Administrative Code, as well as minimum standards set by the Board's rules 217.11 at 22 TCA and generally accepted nursing standards. The best predictor of future behavior is past behavior. If due process determines the allegations false, past behavior will predict an excellent probability that Susie would consistently avoid behaviors identified by the Board as constituting unprofessional conduct. If due process confirms the allegations, the opposite will apply."
20. On January 5, 2004, Respondent completed a polygraph examination performed by Donald W. Ramsey, MA, Polygraph Examiner. The evaluation resulted in a finding of deception indicated. During Mr. Ramsey's post interview Respondent admitted that she had stolen some Demerol from the Hospitals at which she was employed. Respondent stated that she took the Demerol for her father to help ease his pain and never took it for herself.
21. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
22. 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.
23. 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 Section 301.452(b)(2), (9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), (3), (4), (18), (19), (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 668745, heretofore issued to SUSIE ARGUELLO, 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, 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

IT IS THEREFORE AGREED and ORDERED, that the VOLUNTARY SURRENDER of License Number 668745, heretofore issued to SUSIE ARGUELLO 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 SUSIE ARGUELLO, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself 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 licensure privilege, if any, to practice professional nursing in the State of Texas.

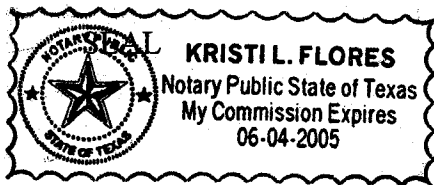
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. 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 26 day of March, 2004.

Susie Arguello
SUSIE ARGUELLO, Respondent


Sworn to and subscribed before me this 26 day of march, 2004.



Kristi L Flores
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing License Number 668745, previously issued to SUSIE ARGUELLO.

Effective this 7th day of April, 2004.



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

BOARD OF VOCATIONAL NURSE EXAMINERS

*

STATE OF TEXAS

VS.

*

*

SUSIE ARGUELLO

*

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kathleen S. Davies, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocatibnal Nurse Examiners, I, Kathleen S. Davies, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against SUSIE ARGUELLO, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 108029, hereinafter called Respondent.

I.

a. By letter dated March 1, 1991, the Board of Vocational Nurse Examiners received a written referral from Texas Peer Assistance Program for Nurses (TPAPN) alleging that Respondent declined participation.

b. Respondent was employed as a Licensed Vocational Nurse with Inter Med of Dallas, Texas; on assignment at Palo Pinto General Hospital in Mineral Wells, Texas, on or about January 3, 1990.

c. While so assigned at Palo Pinto General Hospital, on or about January 3, 1990, Respondent was found by a co-worker to be self injecting phenergan with a 5 cc syringe and 26 ga needle into her arm.

II.

Respondent has engaged in the intemperate use of alcohol or drugs, in violation of Article 4528c, Section 10 (a) (8), Revised Civil Statutes of Texas.

COMPLAINT

Re: Susie Arguello, LVN #108029

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III.

Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas.

IV.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Kathleen S. Davies, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against SUSIE ARGUELLO, LVN #108029, in accordance with the provisions of the laws of the State of Texas.

Kathleen S. Davies
AFFIRANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kathleen S. Davies, on this the 30th day of September, 1991.

Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
Linda Rae Kent
My Commission Expires 10-24-93.


COMPLAINT

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Re: Susie Arguello, LVN #108029

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Filed with the Board of Vocational Nurse Examiners on the 30th day of
September, 1991.


Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS * STATE OF TEXAS
VS. *
SUSIE ARGUELLO * COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 108029, held by SUSIE ARGUELLO, hereinafter called Respondent.

A sworn Complaint dated September 30, 1991, has been filed and served on the Respondent, which alleges violations of the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c, and grounds to take disciplinary action against Respondent.

A prehearing conference was held on October 29, 1991, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Annie Mae Parker, member of the Board of Vocational Nurse Examiners. Respondent was present and was not represented by counsel.

The conference was attended by Kathleen S. Davies, Investigator for the Board, and Chris Maczka, Assistant Attorney General. By her notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, DNR #108029
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After reviewing the Complaint and information provided at the prehearing conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that she has read and understood this Order and has approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, The Board of Vocational Nurse Examiners does hereby order that license number 108029, heretofore issued to SUSIE ARGUELLO be suspended, suspension stayed and placed on probation for a period of two (2) years.

The probation of said license is subject to the following stipulations to wit:

1. That Respondent shall cause her nursing employer(s) to submit satisfactory reports to the Board office on a quarterly basis throughout the term of probation.
2. That Respondent shall not be employed by a nurse registry/temporary nurse agency or as a private duty nurse throughout the term of probation.
3. That Respondent shall work only under the direct supervision of a licensed medical professional throughout the term of probation.
4. That Respondent shall not work in an autonomous nursing position throughout the term of probation.

5. That Respondent shall submit to monthly blood alcohol and urine drug screens upon demand of the Board staff for the first year of probation. Thereafter, and for the remainder of said probation, Respondent shall submit to random periodic blood alcohol and urine drug screens upon demand of the Board staff. Said screens shall be properly monitored with adherence to chain of custody procedure. The results of said screens shall be submitted to the Board office by the laboratory. The expense of said screens shall be borne by Respondent.

6. That Respondent shall obtain psychological or psychiatric counseling and cause her psychologist/psychiatrist to submit satisfactory reports to the Board office on a quarterly basis throughout the term of probation. The expense of said counseling shall be borne by Respondent.

7. That Respondent must enroll in or audit and successfully complete a nursing program course encompassing the following areas of study: Pharmacology and Documentation and submit documentation of successful course completion to the Board office within the first six (6) months of probation. Respondent/Applicant shall be responsible for locating said course(s) and obtaining approval of Board staff prior to enrollment or audit. Said course(s) shall be in-house at a community college, university, or nursing program. The expense of said course(s) shall be borne by Respondent.

8. That Respondent must enroll in or audit and successfully complete a Stress Management course/seminar and submit documentation of successful course completion to the Board office within the first six (6) months of probation. Respondent shall be responsible for locating said course and obtaining approval of Board staff prior to enrollment or audit. The expense of said course shall be borne by Respondent.

9. That any period(s) of unemployment must be documented in writing by Respondent and submitted directly to the Board office on a quarterly basis throughout the term of probation.

10. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately.

It is also ordered that SUSIE ARGUELLO shall comply with all the provisions of Article 4528c, Revised Civil Statutes of Texas.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

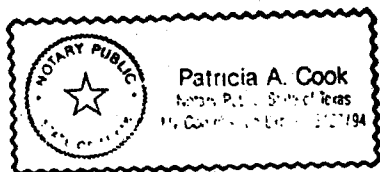
Dated this the 29 day of October, 1991.

Susie Arguello
Signature of Respondent
Rt 9 Box 1399
Current Address
Beaumont TX 77713
City, State and Zip
409, 866 3529
Area Code and Telephone Number

The State of Texas
County of Dallas

Before me, the undersigned authority, on this day personally appeared SUSIE ARGUELLO who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 29 day of October, 1991.



Patricia A. Cook
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 3-27-94

Marjorie A. Bronk
Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 30th day of October, 1991.

Lucinda Lee Best
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 108029
Issued to SUSIE ARGUELLO

At its regularly called session, 19th day of November, 1991, came on to be considered the indicated Agreed Board Order pertaining to SUSIE ARGUELLO. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered this the 19th day of November, 1991.

Wanda Jean Carlson
Keith L. Lippard

Archie Mae Parker Lov

Virginia M. Bauman

Betty Joe McEmore

Charlotte J. Sifford Lov

Sonia A. Parker
Sharon J. Johnson

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LV 08029
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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of November, 1991,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Susie Arguello
Route 9, Box 1399
Beaumont, Texas 77713

Marjorie A Bronk, R.N.
Marjorie Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
	*	
VS.	*	
	*	
SUSIE ARGUELLO	*	COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kathleen S. Davies, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Kathleen S. Davies, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against SUSIE ARGUELLO, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 108029, hereinafter called Respondent.

I.

- a. On November 19, 1991, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which Respondent's license to practice Vocational Nursing in Texas was suspended, suspension stayed and placed on probation for a period of two (2) years.
- b. Said Order stipulated, in part, that Respondent cause her nursing employer(s) to submit satisfactory reports to the Board Office on a quarterly basis throughout the term of probation. That any period(s) of unemployment be documented in writing by Respondent and submitted to the Board Office on a quarterly basis throughout the term of probation. It was further stipulated that if place of employment, name, address or telephone number changed, Respondent was to notify the Board Office immediately.
- c. Said Order also stipulated, in part, that Respondent cause her psychologist/psychiatrist to submit satisfactory reports to the Board Office on a quarterly basis throughout the term of probation.
- d. Also, said Order stipulated, in part, that Respondent submit to random periodic blood alcohol and urine drug screens upon demand of the Board Staff.

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COMPLAINT

RE: SUSIE ARGUELLO, LVN #108029
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- e. Furthermore, said Order stipulated, in part, that Respondent successfully complete a nursing program course and submit documentation of successful course completion to the Board Office within the first six (6) months of probation.
- f. Respondent has failed to submit employer and psychologist/psychiatrist reports to the Board Office on or before the due date of February 19, 1992.
- g. Respondent has failed to submit documentation on or before the due date for the successful completion of said required course.
- h. Respondent has failed to provide the Board Office with a telephone number, in which to contact her, to request drug screens.
- i. By said conduct, Respondent has violated the terms of her Agreed Board Order.

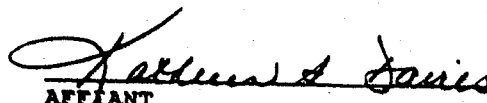
II.

Respondent has violated the Vocational Nurse Act or rule, regulation or order issued under the Act, contrary to Article 4528c, Section 10 (a) (1), Revised Civil Statutes of Texas.

III.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Kathleen S. Davies, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against SUSIE ARGUELLO, LVN #108029, in accordance with the provisions of the laws of the State of Texas.



AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kathleen S. Davies, on this the 24th day of April, 1992.

108029

COMPLAINT

RE: SUSIE ARGUELLO, LVN #108029

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Georgann B. Reynolds
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 24th day of April, 1992.

Marjorie A. Bronk, R.N.
Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners

DOCKET NO. 511-92-032

IN THE MATTER OF	§	BEFORE THE
	§	
	§	STATE OFFICE OF
	§	
SUSIE ARGUELLO, L.V.N.	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Prepared by Earl A. Corbitt, Administrative Law Judge, duly authorized to act herein on behalf of the Board of Vocational Nurse Examiners pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13f, §2(b).

STATEMENT OF THE CASE

The Board of Vocational Nurse Examiners (the Board), pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10, brought a disciplinary action against SUSIE ARGUELLO (RESPONDENT). The Board alleged that RESPONDENT violated the terms of an Order of the Board. The Board further alleged that such actions constitute grounds for disciplinary action against RESPONDENT's Vocational Nursing license pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10.

On July 6, 1992, a hearing concerning the allegations was held before Earl A. Corbitt, Administrative Law Judge, in the Clements Building, 300 West 15th Street, Austin, Texas. The hearing was closed on July 6, 1992. The Board's staff was represented by Deborah Leach, Assistant Attorney General of Texas. SUSIE ARGUELLO did not appear and was not represented at the hearing. Evidence in the form of testimony and exhibits was presented at the hearing.

JURISDICTION

The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. arts. 4528c, §10 and 6252-13a. The State Office of Administrative Hearings has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13f. Notice of the Board's intention to institute disciplinary action, dated March 4, 1992, was properly addressed and sent by certified mail to SUSIE ARGUELLO, Beaumont, Texas, pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a, §18(c). Notice of the hearing, dated June 5, 1992, was properly addressed and sent by certified mail to SUSIE ARGUELLO, Beaumont, Texas, pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a, §13. The notice of hearing contained a statement of the time, place and nature of the hearing, and a statement of the matters asserted and of the legal authority and jurisdiction under which the hearing was to be held.

PROPOSED DECISION

The Administrative Law Judge proposes that RESPONDENT be found to have violated the Vocational Nurse Act and recommends that the Vocational Nursing license held by SUSIE ARGUELLO be revoked.

REASONS FOR PROPOSED DECISION

Evidence was received that on November 19, 1991, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which RESPONDENT's license to practice Vocational Nursing in Texas was suspended, the suspension was stayed and RESPONDENT was placed on probation for a period of two years. The Order contained stipulations requiring RESPONDENT to (1) have submitted quarterly satisfactory employer reports, (2) quarterly document periods of unemployment, (3) immediately notify the Board of changes of employment, name, address or telephone number, (4) have submitted quarterly satisfactory psychologist/psychiatrist reports, (5) submit to random periodic blood alcohol and urine drug screens, and (6) successfully complete a nursing program course and submit documentation of such within the first six months of probation.

RESPONDENT has failed to submit the required quarterly reports, has provided the Board with an incorrect telephone number so that drug screens may not be requested, and has failed to submit documentation showing completion of the required nursing program course.

RESPONDENT's failure to abide by the terms of her probation warrants disciplinary action against RESPONDENT's license. Because RESPONDENT has previously been afforded an opportunity to avoid loss of her license through probation, and has been unsuccessful, the Administrative Law Judge has recommended the license be revoked.

PROPOSED FINDINGS OF FACT

1. SUSIE ARGUELLO (RESPONDENT), a vocational nurse licensed by the State of Texas, holds license number 108029.
2. A sworn complaint against RESPONDENT was filed with the Board of Vocational Nurse Examiners for the State of Texas in accordance with TEX. REV. CIV. STAT. ANN. art. 4528c, §10(d).
3. Service of proper and timely notice of the hearing and of the complaint was effected upon RESPONDENT pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a and 22 TAC §239.23.
4. RESPONDENT was not present at the hearing.
5. RESPONDENT was not represented by counsel at the hearing.

6. On November 19, 1991, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which RESPONDENT's license to practice Vocational Nursing in Texas was suspended, the suspension was stayed and RESPONDENT was placed on probation for a period of two years.
7. The Order described in Finding of Fact No. 6 contained stipulations requiring RESPONDENT to (1) have submitted quarterly satisfactory employer reports, (2) quarterly document periods of unemployment, (3) immediately notify the Board of changes of employment, name, address or telephone number, (4) have submitted quarterly satisfactory psychologist/psychiatrist reports, (5) submit to random periodic blood alcohol and urine drug screens, and (6) successfully complete a nursing program course and submit documentation of such within the first six months of probation.
8. RESPONDENT failed to have submitted the quarterly satisfactory employer report due February 19, 1992.
9. RESPONDENT failed to submit documentation showing any periods of unemployment which documentation was due February 19, 1992.
10. RESPONDENT failed to have submitted the quarterly satisfactory psychologist/psychiatrist report due February 19, 1992.
11. RESPONDENT failed to submit documentation showing completion of the required nursing program course within the time specified.
12. On January 31, 1992, and February 26, 1992, a staff member of the Board of Vocational Nurse Examiners attempted to contact RESPONDENT by telephone at a phone number provided by RESPONDENT on October 29, 1991, when RESPONDENT agreed to the stipulations described in Finding of Fact No. 7.
13. The attempts to contact RESPONDENT, made to request a drug screen, were futile in that the phone number provided by RESPONDENT was not a good number.
14. RESPONDENT has not notified the Board of any change in employer, name, address or phone number.

PROPOSED CONCLUSIONS OF LAW

1. The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. arts. 4528c, §10 and 6252-13a.
2. RESPONDENT has violated an Order of the Board of Vocational Nurse Examiners in violation of TEX. REV. CIV. STAT. ANN. art. 4528c, §10(a)(1).

108029

Signed and entered this 28th day of July, 1992.



Earl A. Corbitt
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

108029

DOCKET NO. 511-92-032

IN THE MATTER OF PERMANENT	§	BEFORE THE BOARD OF
LICENSE NUMBER 108029	§	VOCATIONAL NURSE EXAMINERS
ISSUED TO	§	IN AND FOR THE
SUSIE ARGUELLO	§	STATE OF TEXAS

ORDER OF THE BOARD

TO: SUSIE ARGUELLO
Route 9, Box 1399
Beaumont, Texas 77713

During open meeting at Austin, Texas, the Board of Vocational Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Vocational Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that License Number 108029, heretofore issued to SUSIE ARGUELLO, to practice vocational nursing in the State of Texas be, and the same is hereby, revoked.

Passed and approved at the regular meeting of the Board of Vocational Nurse Examiners in and for the State of Texas at Austin, Texas, on the 15th day of September, 1992.

Entered this 15th day of September, 1992.

~~_____~~
Debra A. Parkman

Charlitta J. Sifford, P.N.
Phil Robinson

Betty Jo McDemere

Annie Mae Probst, P.N.
Virginia M. Bauman

BOARD ORDER

RE: SUSIE ARGUELLO, LVN #108029

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of September 1992
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Susie Arguello
Route 9, Box 1399
Beaumont, Texas 77713

Marjorie A Bronk, R.N.
Marjorie Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

SUSIE ARGUELLO

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 108029, previously held by SUSIE ARGUELLO, hereinafter called Applicant.

The Board of Vocational Nurse Examiners previously found that Applicant had violated the Vocational Nurse Act, or a rule, regulation or Order issued under the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c. Applicant has submitted a written request for reinstatement of said previously held license.

A prehearing conference was held on Monday, August 11, 1997, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Susie B. Cheney, LVN, member of the Board of Vocational Nurse Examiners. Applicant was present and was not represented by counsel.

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
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The conference was attended by Kathleen S. Davies, Investigator for the Board, and Lynn Bey-Roode, Assistant Attorney General. By their notarized signature on this Order, Applicant does hereby waive the right to Notice of Formal Hearing and a Formal Hearing on the Application for Reinstatement before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

After reviewing the matters relative to the request for reinstatement at the prehearing conference, Applicant agrees to the entry of an Order dispensing with the need for further action on this reinstatement request. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas Employers.

ORDER OF THE BOARD

NOW IT IS ORDERED that license number 108029, previously issued to SUSIE ARGUELLO, to practice vocational nursing in the State of Texas be, and the same is hereby reinstated and suspended until such time as Applicant enrolls in and successfully completes nursing program course(s) encompassing the following areas of study: Nursing Refresher (at least 6 weeks in length, to include a Clinical Rotation), and submits proof of successful course completion to the Board office.

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
PAGE 3

Applicant shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to enrollment. Said course(s) shall be in-house at a community college, university, or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Applicant.

It is ordered that upon proof of course enrollment, Applicant shall be issued a temporary license. The Temporary license issued to Applicant shall be for the express purpose of meeting the educational requirements of the Board Order. Any attempt by Applicant to practice for remuneration with the temporary license will result in criminal prosecution.

It is further ordered that upon receipt of documentation reflecting satisfactory completion of said course(s), the suspension of said license shall be automatically stayed and the license placed on probation for a period of one (1) year.

The probation of said license is subject to the following stipulations, to wit:

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order, Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.

AGREED BOARD ORDER

RE: SUSIE ARGUELLO, LVN #108029

PAGE 4

4. That Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. four (4).

6. That Applicant shall work only under the direct supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the premises during Applicant's shift assignment(s), throughout the term of probation.

7. That Applicant shall not be the only licensed medical professional in the facility.

8. That Applicant shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Applicant's history, and it is incumbent upon Applicant to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.

9. That Applicant shall submit to monthly blood alcohol and urine drug screen(s) upon demand of the Board staff for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall submit to random periodic blood alcohol and urine drug screen(s) upon demand of the Board staff throughout the term of probation. Applicant shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Applicant. The report of a positive drug screen shall be considered a violation of probation.

10. That Applicant shall provide the Board a telephone number by which Applicant may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Applicant must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. 9. An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
PAGE 5

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Agreed to this the 11th day of August, 1997

Susie Arguello
Signature of Applicant

P.O. Box 7072
Current Address
Abilene TX 79608-7072
City, State and Zip
915,338.4671
Area Code and Telephone Number

The State of Texas
County of Tarrant

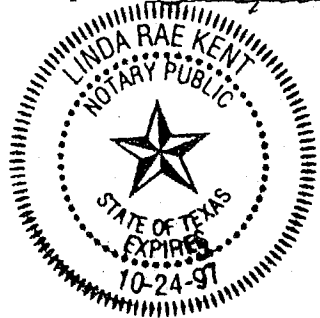
Before me, the undersigned authority, on this day personally appeared SUSIE ARGUELLO, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 11th day of August, 1997.

Kathleen S. James
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 3/15/99

Marjorie A. Bronk
Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 13th day of August, 1997.



Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
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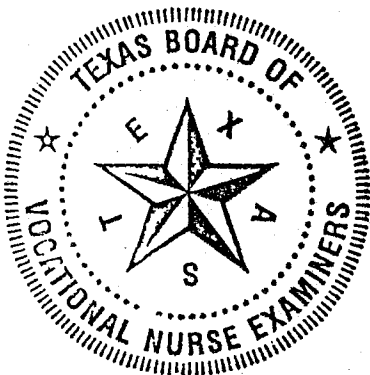
ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 108029
Issued to Susie Arguello

At its regularly called session, on the 16th day of September 1997, came on to be considered the indicated Agreed Board Order pertaining to Susie Arguello. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 16th day of September 1997.

Vergil Perez
Carlo McGowan
[Signature]
Betty King
Melba Lee Hasty LVN
[Signature]
Sullivan K Brown
Janet Wood-jungler

Paul M. Robinson #11
Melba Lee Hasty LVN

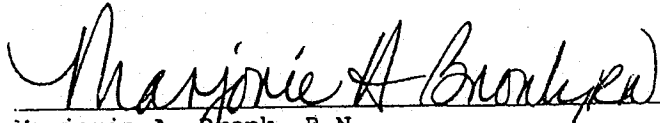


AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 19 97,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Susie Arguello
4118 Chris Drive
Abilene, TX 79606



Marjorie A. Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners.