

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

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

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on September 5, 2002, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Rose State College, Oklahoma, on December 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas in May 1997.
5. Respondent's professional employment history includes:

1994 - 1997	Staff Nurse ICU	Mission Hill Memorial Hospital Shawnee, Oklahoma
-------------	--------------------	---

Respondent's professional employment history continued:

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

6. At the time of the incident, Respondent was employed as a PRN nurse in the Intensive Care Unit with Presbyterian Hospital Greenville, Greenville, Texas, and had been in this position for approximately one (1) year.
7. On or about October 3, 2000, while employed with Presbyterian Hospital Greenville, Greenville, Texas, Respondent withdrew Demerol in excess frequency/dosage of the physician's orders. Respondent's conduct was likely to injure the patient in that the administration of Demerol to a patient in excess of the physician's order could result in the patient suffering from respiratory depression
8. On or about October 3, 2000, while employed with Presbyterian Hospital Greenville, Greenville, Texas, Respondent withdrew Demerol but failed to document its administration in patient medical records. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
9. On or about October 3, 2000, while employed with Presbyterian Hospital Greenville, Greenville, Texas, Respondent withdrew Demerol but failed to follow policy and procedures in place for wastage of Demerol. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).
10. On or about October 3, 2000, while employed with Presbyterian Hospital Greenville, Greenville, Texas, Respondent misappropriated Demerol from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof the cost of medications.

11. On or about September 21, 2001, Respondent engaged in the intemperate use of Propoxyphene as evidenced by a positive drug screen. Possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
12. At the time of the incident's, Respondent was employed as a Charge Nurse in the Intensive Care Unit with Christus St. Joseph's Health System, Paris, Texas, and had been in this position for approximately five (5) years.
13. On or about May 2, 2002, while employed with Christus St. Joseph's Health System, Paris, Texas, Respondent withdrew Demerol but failed to document its administration in patient medical records. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
14. On or about May 2, 2002, while employed with Christus St. Joseph's Health System, Paris, Texas, Respondent failed to follow policy and procedures for the wastage of Demerol. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).
15. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
16. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(3),(4),(18),(19)&(20).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 639789, heretofore issued to TAWANNA KAY FRY, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.


BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

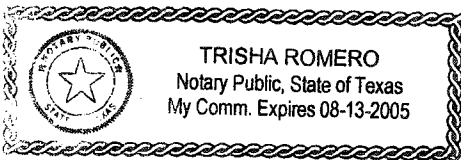
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 17th day of October, 2002.


TAWANNA KAY FRY, Respondent

Sworn to and subscribed before me this 17th day of October, 2002.

SEAL




Notary Public in and for the State of TEXAS

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

Entered and effective this 24th day of October, 2002



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