



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

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In the Matter of License Number 526763     §     AGREED  
issued to JEAN BAILEY SCHROEDER     §     ORDER

An investigation by the Board produced evidence indicating that JEAN BAILEY SCHROEDER, hereinafter referred to as Respondent, License Number 526763, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on March 21, 2000, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, Assistant General Counsel; Sandra Owen, MSN, RN, Director of Professional Nursing; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Noemi Leal, Senior 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 representation by counsel, 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 a Baccalaureate Degree in Nursing from the University of Texas at Austin, Austin, Texas, in 1985. Respondent was licensed to practice professional nursing in the State of Texas on August 28, 1985.

5. Respondent's professional employment history includes:

8/85 - 8/86	Staff Nurse/part-time Pediatric Associates of Austin Austin, Texas
8/86 - 6/90	Staff Nurse Austin Pediatric Clinic Austin, Texas
6/90 - 12/92	Assessment Registered Nurse Austin Regional Clinic Austin, Texas
1/93 - 12/93	Staff Nurse Central Texas Allergy and Asthma Center Austin, Texas
12/93 - 9/97	Medical Staff Supervisor Bee Caves Pediatrics Austin, Texas
9/97 - 8/98	Nurse Coordinator/Staff Nurse Austin Ear, Nose and Throat Clinic Austin, Texas
8/98 - present	Staff Nurse Pediatric Associates of Austin Austin, Texas

6. At the time of the initial incident, Respondent was employed as a Nurse Coordinator/Staff Nurse with Austin Ear, Nose and Throat Clinic, Austin, Texas, and had been in this position for four (4) months.

7. Respondent, while employed with Austin Ear, Nose and Throat Clinic, Austin, Texas during January 1998 through August 1998 and while employed with Pediatric Associates of Austin, Austin, Texas from August 1998 through February 1999, passed the following fraudulent telephonically communicated prescriptions for Xanax:

Date	Medication/Quantity	Physician	Pharmacy
1/17/98	Xanax 1 mg, 40 tabs	Hudson	Albertson's
2/3/98	Xanax 1 mg, 20 tabs	Hudson	Albertson's
2/11/98	Xanax 1 mg, 20 tabs	Hudson	Albertson's

<b>Date</b>	<b>Medication/Quantity</b>	<b>Physician</b>	<b>Pharmacy</b>
2/19/98	Xanax 1 mg, 20 tabs	Hudson	Albertson's
3/2/98	Xanax 1 mg, 20 tabs	Hudson	Albertson's
3/19/98	Xanax 1 mg, 20 tabs	Hudson	Albertson's
3/28/98	Xanax 1 mg, 20 tabs	Hudson	Eckerd's
4/9/98	Xanax 1 mg, 20 tabs	Hudson	Albertson's
4/19/98	Xanax 1 mg, 20 tabs	Hudson	Albertson's
4/28/98	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's
5/30/98	Xanax 1 mg, 20 tabs	Hudson	Eckerd's
6/30/98	Xanax 1 mg, 20 tabs	Hudson	Eckerd's
7/08/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
7/15/98	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's
7/28/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
8/9/98	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's
8/19/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
9/3/98	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's
9/10/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
9/22/98	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's
9/30/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
10/12/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
10/16/98	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's
11/1/98	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's
11/6/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
11/19/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
11/24/98	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's
11/30/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
12/10/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
12/18/98	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's

Date	Medication/Quantity	Physician	Pharmacy
12/23/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
12/30/98	Xanax 1 mg, 20 tabs	Ruiz	Randalls
1/4/98	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
1/19/99	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
1/26/99	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's
2/1/99	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
2/11/99	Xanax 1 mg, 20 tabs	Ruiz	Albertson's
2/17/99	Xanax 1 mg, 20 tabs	Ruiz	Eckerd's
2/22/99	Xanax 1 mg, 20 tabs	Ruiz	Albertson's

Respondent's conduct deceived the pharmacies and constitutes a violation of Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code.

8. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.
9. Respondent's conduct described in Finding Number Seven (7) was significantly influenced by Respondent's mental illness.
10. On or about May 19, 1999, Respondent completed a chemical dependency evaluation performed by Herbert Munden, M.D. The results of the evaluation indicated that there was no evidence of chemical dependency. Respondent is currently under the care of a psychiatrist, Robert E. Cantu, M.D., for the treatment of generalized anxiety disorder.
11. 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 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1) & (16).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 526763, heretofore issued to JEAN BAILEY SCHROEDER, 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, §§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.

RESPONDENT'S CERTIFICATION

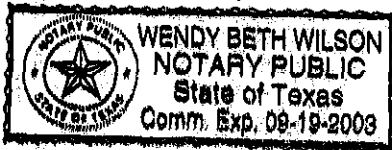
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order I agree to the Findings of Fact, Conclusions of Law, and Conditions 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 30<sup>th</sup> day of March, 2000.

Jean Bailey Schroeder  
JEAN BAILEY SCHROEDER, Respondent

Sworn to and subscribed before me this 30<sup>th</sup> day of March, 2000.

SEAL



Wendy Beth Wilson  
Notary Public in and for the State of Texas


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 to practice professional nursing in the State of Texas.

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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 30<sup>th</sup> day of March, 2000, by JEAN BAILEY SCHROEDER, License Number 526763, and said Order is final.

Entered and effective this 5<sup>th</sup> day of April, 2000.

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