

IN THE MATTER OF PERMANENT
REGISTERED NURSE LICENSE
NUMBER 647757 ISSUED TO
ERIN LAMOTHE BELLINGER

§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: Erin Lamothe Bellinger
924 Springbrook Drive
Pflugerville, TX 78660

During open meeting held in Austin, Texas, on February 12, 2013, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order



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 A. Thomas
Executive Director of the Board

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

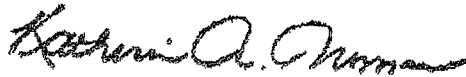
NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 647757, previously issued to ERIN LAMOTHE BELLINGER, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 12th day of February, 2013.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed October 23, 2012.

Re: Permanent Registered Nurse License Number 647757
Issued to ERIN LAMOTHE BELLINGER
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of February, 2013, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

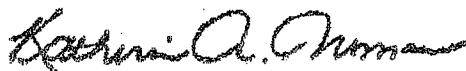
Via USPS Certified Mail, Return Receipt Requested

Erin Lamothe Bellinger
924 Springbrook Drive
Pflugerville, TX 78660

Via USPS First Class Mail

Erin Lamothe Bellinger
524 Magellan Street, #C
Algiers, LA 70114

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent Registered	§	BEFORE THE TEXAS
Nurse License Number 647757	§	
Issued to ERIN LAMOTHE BELLINGER,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ERIN LAMOTHE BELLINGER, is a Registered Nurse holding License Number 647757 which is in delinquent 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 November 22, 2011, Respondent received a Consent Order from the Louisiana State Board of Nursing wherein Respondent's license to practice professional nursing in the State of Louisiana was Suspended, with the suspension stayed, and Respondent's license placed on Probation for three (3) years, with stipulations and conditions for chemical abuse and psychiatric disorders. A copy of the Consent Order issued by the Louisiana State Board of Nursing, dated November 22, 2011, is attached to and incorporated by reference as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

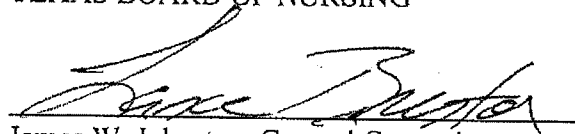
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Consent Order issued by the Louisiana State Board of Nursing, dated November 22, 2011.

Filed this 23 day of October, 2012.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Consent Order issued by the Louisiana State Board of Nursing, dated November 22, 2011.

D/2012.06.19

Louisiana State Board of Nursing

17373 Perkins Road
Baton Rouge, LA 70810
Telephone: (225) 755-7500 Fax: (225) 755-7582
<http://www.lsbns.state.la.us>

December 15, 2011

Texas Board of Nursing
Attn: Barbara Darling, Administrative Assistant III
333 Guadalupe Suite 3-460
Austin, TX 78701

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

I, Barbara L. Morvant, Executive Director of the Louisiana State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the copy of the Final Order pertaining to the matter of **ERIN CLAIRE LAMOTHE, RN078760**, is a true and correct copy of said documents as they appear among the files and records of this office.

WITNESS by my hand and seal of the Board of Nursing this December 15, 2011.

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant, MN, RN

BARBARA L. MORVANT, MN, RN
EXECUTIVE DIRECTOR

BOARD SEAL

By

Joy Peterson

Joy Peterson, BSN, RN
Director of Hearings

Enclosures

BLM/JP/hf

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
ERIN CLAIRE LAMOTHE
524 MAGELLAN STREET #C
ALGIERS, LA 70114
Respondent

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RN# 078760
CONSENT ORDER

TERMS AGREED TO BY LICENSEE

I, ERIN CLAIRE LAMOTHE, (Respondent), voluntarily agree to sign and have witnessed terms of agreement for the purpose of avoiding formal administrative proceedings with the Louisiana State Board of Nursing.

I, ERIN CLAIRE LAMOTHE, do say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

1. On July 21, 1994, Respondent was licensed by examination to practice as a Registered Nurse in Louisiana.
2. On June 30, 2011 through July 1, 2011, while working at The Medical Team, in Houma, Louisiana, Respondent:
 - Was involved in two (2) motor vehicle accidents where she was at fault on two consecutive days. Respondent was issued a citation for Following To Close for the June 30, 2011 accident and issued a citation for Reasonable Vigilance for the July 1, 2011 accident;
 - Was observed by a home health patient falling asleep during a skilled nurse visit; and
 - During a telephone call exhibited slurred speech, confusion and inability to focus.
3. From November 13, 2008 through September 8, 2011, Respondent's ability to practice nursing safely may have been impacted in that Respondent has been prescribed narcotic medications from multiple healthcare providers.
4. On or about August 3, 2011, Respondent reported that she has a condition that potentially impacts her ability to provide safe nursing care in that Respondent:
 - Reported recent use of her prescription medications beyond the approved prescribed amount; and
 - Reported that she has been diagnosed with psychiatric disorders and chemical abuse.

To facilitate submission of this Consent Agreement, I do not offer any defense to the FINDINGS OF FACTS. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911, et seq. I admit to all of the above facts and I agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported to Healthcare Integrity and Protection Data Bank (HIPDB) as F2, Unable to Practice


Initials

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:

ERIN CLAIRE LAMOTHE
524 MAGELLAN STREET #C
ALGIERS, LA 70114

Respondent

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RN 078760
CONSENT ORDER

TERMS AGREED TO BY LICENSEE (CONT'D)

Safely by Reason of Alcohol or Other Substance Abuse and F3, Unable to Practice Safely by Reason of Psychological Impairment or Mental Disorder.

HIPDB Narrative: RN's license was suspended with stay and probated for three (3) years with stipulations, including comprehensive inpatient evaluations, after RN was diagnosed with chemical abuse and psychiatric disorders.

I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Nursing in resolving this matter and intend to comply with all stipulations of this Order.

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board:

The license of this Registrant is suspended, with a stay of the said suspension, and that the license is probated for three (3) years, with stipulations including comprehensive inpatient evaluations.

1. Within three (3) days upon receipt of this Order, send RN license to the Board office so that the license can be marked "probated".
2. Within 60 days, submit to comprehensive inpatient psychiatric, psychological, and substance abuse evaluation, at Respondent's expense, at a Board-recognized evaluation and treatment center; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to Respondent's capability of practicing nursing with reasonable skill and safety to patients.
3. Shall submit all pages of this agreement to each evaluator prior to the start of the evaluations in order for the evaluation to be deemed valid.
4. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until Respondent is fully discharged by the respective professionals and until approved by the Board staff.
5. If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate to the satisfaction of the Board that Respondent poses no danger to the practice of nursing or to the public and that Respondent can safely and competently perform the duties of a Registered Nurse.
6. If found to be chemically dependent, immediately sign an agreement with the Recovering Nurse Program (RNP) and cause to have submitted evidence of compliance with all program requirements for a minimum of three (3) years. License suspension with stay and probation shall be extended to run concurrently, on the same dates, with RNP participation.
7. Shall remain free of alcohol and all unprescribed mood altering substances. Any mood altering, addictive, or dependency-inducing substance must be currently prescribed for a bona fide medical condition by a physician (or other qualified treating prescriber(s)) knowledgeable about the individual's history and the information underlying the Board's concerns. All prescribed drugs


Initials

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
ERIN CLAIRE LAMOTHE
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ALGIERS, LA 70114

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RN 078760
CONSENT ORDER

Respondent

TERMS AGREED TO BY LICENSEE (CONT'D)

must be verified in writing to the Board on a specified form by the prescribing physicians/qualified prescriber(s) within five (5) days from the effective date of this agreement/order and within five (5) days from the date(s) of any new prescriptions. The Board reserves the right to have a LSBN recognized addictionist review and approve the prescriptions for continued nursing practice.

8. Shall maintain complete and total abstinence from any and all potentially addictive chemicals whether over-the-counter, scheduled or unscheduled (including but not limited to alcohol, alcohol containing products, marijuana, tranquilizers, sedatives, stimulants, narcotics, opioids including ultram (tramadol), nubain, soporifics, androgenic steroids, or any other addictive drug) except as prescribed for a bona fide medical condition by a healthcare provider who is knowledgeable in, and aware of Respondent's history with the Board.
9. Shall voluntarily submit to random and observed drug screens, for a minimum of 24 times a year, inclusive of bodily fluids, breath analysis, hair analysis, or any other procedure as may be directed by the Board and/or employer. If selected for a screen, failure to provide sufficient specimen (bodily fluids, hair, nails etc.) for analysis or failure to test may be considered a positive screen. Random drug screens will be a minimum of 24 times a year. It is the Respondent's responsibility to assure that lab personnel observe all urine specimen collections. If urine specimen collection is not observed the results are invalid. The Respondent agrees to call the toll free number or check the testing notification via computer daily. Compliance with checking daily is monitored and failure to check may result in additional screens. It is the Respondent's responsibility to maintain a current account with testing administrator. If Respondent misses a test due to a suspended account or fails to test on the day of notification it will be considered a positive screen and appropriate action will be taken including but not limited to, further evaluation, additional testing, and suspension of license. The results of any such testing will be reported directly to the Board. Any and all such testing shall be performed at Respondent's expense. Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.
10. Shall avoid exposure to anything that will cause a urine drug test to be positive. In that regard, Respondent shall avoid such items as "hemp oil" "coca tea" and poppy seeds (which can be found in curry sauces, breads, salad dressings, and in or on other foods). Respondent agrees to not use ethyl alcohol in any form (including N.A. or alcohol- "free" wine or beer, over-the-counter drugs containing alcohol (cough syrup, Nyquil or other similar OTC drugs or supplements), mouthwash or other hygiene products containing ethanol, foods containing ethanol (desserts, vanilla extract, etc.), communion wine, or any other form of ethyl alcohol). Intentional use of any of these products or medications without a physicians order is a violation of this order.
11. Respondent agrees to execute a written authorization, along with execution of this Consent Order/agreement, allowing the Louisiana State Board of Nursing, and any authorized designees thereof, to access prescription monitoring information submitted to, or maintained by, the Louisiana Board of Pharmacy through its Prescription Monitoring Program (PMP) for the purpose of monitoring compliance with this agreement/Order and to determine fitness and ability to practice nursing with reasonable skill and safety. Respondent shall cause to be submitted a completed authorization release form to the Louisiana Board of Pharmacy and shall cause


Initials

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
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Respondent

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RN 078760
CONSENT ORDER

TERMS AGREED TO BY LICENSEE (CONT'D)

- information and reports to be sent to the Louisiana State Board of Nursing, such written authorization to be effective for the duration of this Consent Order/agreement. Respondent may also be required during this time period duration to provide to the board/board staff copies of prescription monitoring information maintained by the Board of Pharmacy.
12. Prior to beginning or returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Respondent is responsible to submit a copy of all pages of this agreement to each employer and nursing supervisor.
 13. Within 5 days, shall cause all employers to submit to the Board, signed Employer's Agreement from each employer.
 14. Have all immediate nursing supervisors submit a quarterly performance evaluation report commencing from the first date of employment. Quarterly reports are due on or before the first day of January, April, July and October.
 15. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse. Not be employed in agency/pool/staffing, home health services, or nursing homes.
 16. Immediately (within 72 hours) inform the Board in writing of any change in address.
 17. Immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
 18. If unemployed, inform the Board in writing on a quarterly basis.
 19. Shall engage in the practice of professional nursing in Louisiana for a minimum of twenty four (24) hours per week for a minimum 18 consecutive months.
 20. Within twelve (12) months, submit payment of \$200.00 to the Board as cost of Consent Order.
 21. Within twelve (12) months, submit payment of \$1,000.00 to the Board as fine.
 22. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board, beginning January 1, 2012.
 23. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
 24. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of Respondent's license. This suspension can be imposed by action of the Executive Director subject to the discretionary review of the Board.

I, ERIN CLAIRE LAMOTHE, understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this Respondent.


Initials

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
ERIN CLAIRE LAMOTHE
524 MAGELLAN STREET #C
ALGIERS, LA 70114

Respondent

RN 078760
CONSENT ORDER

TERMS AGREED TO BY LICENSEE (CONT'D)

Dated this 22 day of November, 2011.

Erin Claire Lamothe
ERIN CLAIRE LAMOTHE

Karen M. ...
Witness

Marie Brouillette
Witness

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant 11/22/2011
Barbara L. Morvant, MN, RN Date
Executive Director

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Initials