



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 R. Plummer
Executive Director of the Board

IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 608394
ISSUED TO
RITA L. COLE

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BEFORE THE TEXAS
BOARD OF NURSING

ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: Rita L. Cole
16322 Leedswell Ln.
Houston, Texas 77084

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

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 608394, previously issued to RITA L. COLE, to practice nursing in the State of Texas be, and the same is 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 November 9, 2012.

Re: Permanent Registered Nurse License Number 608394
Issued to RITA L COLE
DEFAULT ORDER - REVOKE

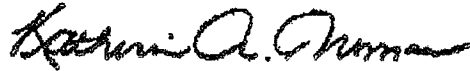
CERTIFICATE OF SERVICE

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

Rita L. Cole
16322 Leedswell Ln.
Houston, Texas 77084

BY:



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

In the Matter of
Permanent Registered Nurse
License Number 608394
Issued to RITA L COLE,
Respondent

§ BEFORE THE TEXAS
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§ BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, RITA L COLE, is a Registered Nurse holding License Number 608394 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 January 27, 2011, through February 6, 2012, while employed with Triumph Health Care, Houston, Texas, Respondent removed narcotic medications for patients, both under her care and not under her care, but failed to document the administration of said medications in the patients' Medication Administration Records (MAR), as follows:

<u>Patient</u>	<u>Physician's Orders</u>	<u>Medication Dispensed</u>	<u>Medication Administration Record</u>	<u>Wastage</u>
TY00002182 AB	Hydromorphone HCL 2mg/mL (1) IV Q3H PRN	Hydromorphone HCL 2mg (1) vial was withdrawn on 01/27/11 @ 0702; @ 0706; @ 0807; @ 1157; @ 1159; @ 1312; @ 1515; @ 1710; and @ 1840. 01/31/11 @ 0640.	Not Documented	Not Documented

<p>TY00000221 JCA</p>	<p>Hydromorphone HCL 2mg/mL (0.5) IV Q4H PRN</p>	<p>Hydromorphone HCL 2mg (1) vial was withdrawn on 01/31/11 @ 0640; and @ 0640.</p> <p>02/04/11 @ 0658; @ 0658; @ 0735; @0736; @ 0758; @ 0758; @ 0912; @ 0912; @ 1349; @ 1623; @ 1624; @ 1805; and @ 1805.</p> <p>02/05/11 @ 0729; @ 0729; @ 0741; @ 0741; @ 0907; @ 0907; @ 1105; @ 1106; @ 1630; @1631; @ 1849; and @1849.</p> <p>02/06/11 @ 0724; @ 0724; @ 0745; @ 0746; @ 1057; @ 1057; @ 1202; @ 1506; @ 1506; @ 1609; @ 1609; @ 1730; @ 1730; @ 1828; and @ 1828.</p>	<p>Not Documented</p>	<p>Not Documented</p>
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TY00002175 JC	Hydrocodone/APAP 10/325mg (1) tab PO Q6H PRN	Hydrocodone/APAP 10/325 (1) tab was withdrawn on 01/26/11 @ 0744; @ 1201; and @ 1421. 01/27/11 @ 0939; @ 1156; @ 1340; and @ 1630. 01/31/11 @ 0711; @ 0746; and @ 1342.	Not Documented	Not Documented
" "	Hydrocodone/Homat ropine MBR 5mL (1) PO TID	Hydrocodone/Homatropine MBR 5mL was withdrawn on 01/26/11 @ 1337. 01/27/11 @ 1340. 01/31/11 @ 1435.	Not Documented	Not Documented
TY00002085 JL	Hydrocodone/APA 5/325mg (1) tab PEG Q4H PRN Hydrocodone/APA 5/325mg (2) tab PEG Q6H PRN	Hydrocodone/APA 5/325 (2) tab was withdrawn on 01/26/11 @ 0744; @ 1202; and @ 1326. 01/27/11 @ 0940; @ 1053; @ 1157 @ 1340; and @ 1630.	Not Documented	Not Documented
TY00002143 VC	Hydrocodone/APAP 5/325mg (1) tab PEG Q6H PRN Hydrocodone/APAP 5/325mg (0.5) tab PEG Q6H PRN	Hydrocodone/APAP 5/325 (1) tab was withdrawn on 01/26/11 @ 0744; @ 1158; @ 1421; and @ 1541. 01/27/11 @ 0939; and @ 1341.	Not Documented	Not Documented

TY00002167 BT	Hydrocodone/APAP 5/325mg (1) tab PO Q6H	Hydrocodone/APAP 5/325 (1) tab was withdrawn on 02/01/11 @ 1103; @ 1307; and @ 1505.	Not Documented	Not Documented
" "	Hydromorphone HCL 2mg/mL (0.5) IV Q4H	Hydromorphone HCL 2mg (1) vial was withdrawn on 02/01/11 @ 0714; @ 0834; @ 0936; @ 1446; and @ 1839.	Not Documented	Not Documented
" "	Fentanyl 50mcg/hr tdsy (1) TOP TID	Fentanyl 50mcg/hr tdsy (1) was withdrawn on 02/01/11 @ 0813; and @ 1703.	Not Documented	Not Documented

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

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(C)&(4).

CHARGE II.

On or about January 27, 2011, through February 6, 2012, while employed with Triumph Health Care, Houston, Texas, Respondent removed narcotic medications for patients, but failed to follow facility policy and procedure for wastage of the unused portions of said medications. 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 Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(C)&(11)(B).

CHARGE III.

On or about January 27, 2011, through February 6, 2012, while employed with Triumph Health Care, Houston, Texas, Respondent misappropriated narcotic medications belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct violated Chapter 483 Texas Health and Safety Code (Dangerous Drug Act) and defrauded the hospital and patient of the cost of the medication.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(G).

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 to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

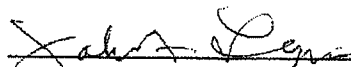
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

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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: Order dated January 5, 2010.

Filed this 9th day of November, 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: Order of the Board dated January 5, 2010.

D/2012.06.19



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 TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 608394 §
issued to RITA L. COLE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RITA L. COLE, Registered Nurse License Number 608394, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 3, 2009, 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 informal proceedings, 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 Wharton County Junior College, Wharton, Texas, in May 1994. Respondent was licensed to practice professional nursing in the State of Texas on July 26, 1994.
5. Respondent's professional nursing employment history includes:

1994 - 200	Charge Nurse	Doctors Hospital Houston, Texas
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Respondent's professional nursing employment history continued:

07/00 - 07/02	Staff Nurse/Charge Nurse	Triumph Hospital Houston, Texas
07/02 - 08/07	Staff Nurse	Tomball Regional Hospital Tomball, Texas
09/07 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Tomball Regional Hospital, Tomball, Texas, and had been in this position for five (5) years.
7. On or about August 9, 2007, while employed with Tomball Regional Hospital, Tomball, Texas, Respondent administered Morphine Sulfate 2mg to Patient Medical Record Number 000093613 intramuscular (IM) instead of intravenous push (IVP) as ordered by the physician. Respondent's conduct was likely to injure the patient in that failure to administer medication as ordered by the physician could result in patient suffering from adverse reactions.
8. Charges were filed on January 16, 2009.
9. Charges were mailed to Respondent on January 19, 2009.

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 301.452(b)(10)&(13) Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(1)(C) and 217.12,(1)(A), (1)(B),&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 608394, heretofore issued to RITA L. COLE, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice 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 that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to RITA L. COLE to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice,

documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives

for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

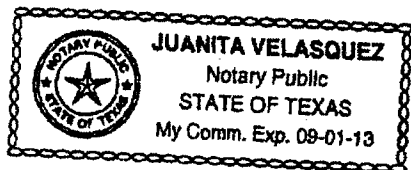
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 28 day of December, 2009.

Rita L Cole
RITA L. COLE, Respondent

Sworn to and subscribed before me this 28th day of December, 2009.

SEAL



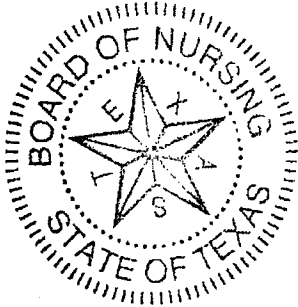
J. Velasquez
Notary Public in and for the State of Texas

Approved as to form and substance.

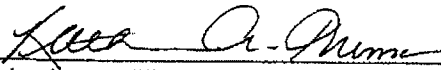
Taralynn R. Mackay
Taralynn R. Mackay, Attorney for Respondent

Signed this 15th day of December, 2009.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 28th day of December, 2009, by RITA L. COLE, Registered Nurse License Number 608394, and said Order is final.



Effective this 5th day of January, 2010.



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