



Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 644919 §
issued to ZOE ANN MCPHERSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ZOE ANN MCPHERSON, Registered Nurse License Number 644919, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 12, 2013, subject to ratification by the Board.

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(s).
2. Respondent waived representation by counsel, 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 a Baccalaureate Degree in Nursing from Oklahoma Baptist University, Shawnee, Oklahoma, on May 1, 1975. Respondent was licensed to practice professional nursing in the State of Texas on August 21, 1997.
5. Respondent's professional nursing employment history includes:

1975 - 1976

RN

Baptist Medical Center
Oklahoma City, Oklahoma

Respondent's professional nursing employment history continued:

1976 - 1977	RN	Griffon (Central) State Hospital Norman, Oklahoma
1977 - 1978	RN	Oklahoma Baptist University Shawnee, Oklahoma
1978 - 1979	RN	Children's Memorial Hospital Oklahoma City, Oklahoma
1979 - 1982	RN	St. Anthony Hospital Oklahoma City, Oklahoma
1981 - 1981	RN Instructor	Oklahoma State University Oklahoma City, Oklahoma
1984 - 1986	RN	North Bay Psychiatric Hospital North Bay, Ontario, Canada
1987 - 1987	RN	Eisenhower Hospital Colorado Springs, Colorado
1986 - 1997	RN Instructor	Pikes Peak Community College Colorado Springs, Colorado
1988 - 1997	RN	Colorado Mental Health Institute Pueblo, Colorado
1989 - 1997	RN Instructor	Beth-El College of Nursing Colorado Springs, Colorado
1997 - 2001	RN	North Texas State Hospital Forensic Vernon, Texas
2001 - 2011	RN	Red River Hospital Wichita Falls, Texas
2011 - Present	Unknown	

6. On or about May 15, 2011, while employed as the House Supervisor in the Adult Unit at Red River Hospital, Wichita Falls, Texas, Respondent misappropriated oxycodone and hydrocodone from the facility and patients thereof. Additionally, Respondent instructed a licensed vocational nurse (LVN) to alter/falsify the medical records of said patients. Respondent's conduct was likely to defraud the facility and its patients of the cost of the medications, and created an inaccurate medical record.

7. In response to the incident in Finding of Fact Number Six (6), Respondent states:

"My choice to take those patients' medications was completely inappropriate and flawed. My remarks to the LVN were flippant and should never have been made.

I was experiencing internal issues that I did not share with anyone. The issues centered on extreme fatigue and an extraordinarily painful headache. I had never experienced pain of this magnitude. All my brain was focused on was reducing the pain and keep on working."
8. On or about May 19, 2011, Respondent was referred to the Texas Peer Assistance Program for Nurses (TPAPN) by Red River Hospital, Wichita Falls, Texas. Respondent signed a participation agreement with TPAPN on July 8, 2011 and began intensive out-patient treatment. Respondent underwent psychological/addiction testing with David M. Sabine, Ph.D., and began sessions with Harvey Martin, M.D., Psychiatrist/Addictionologist. The assessments performed by Dr. Sabine and Dr. Martin indicated that Respondent did not have a substance use disorder diagnosis and Respondent was deemed ineligible for TPAPN. Respondent was referred to the Texas Board of Nursing by TPAPN on August 23, 2011.

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(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(D) and 217.12(1)(A),(1)(B),(4),(6)(A),(6)(G),(8)&(10)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 644919, heretofore issued to ZOE ANN MCPHERSON, including revocation of Respondent's license(s) to practice 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 a LIMITED LICENSE with Stipulations, 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED that:

(1) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

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RESPONDENT'S CERTIFICATION

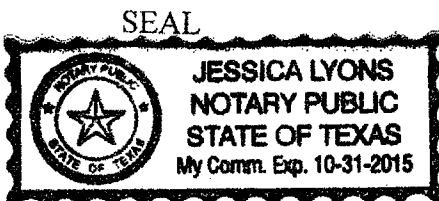
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20 day of February, 2013.

Zoe Ann McPherson
ZOE ANN MCPHERSON, Respondent

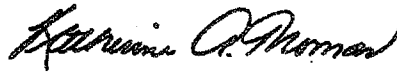
Sworn to and subscribed before me this 20 day of Feb, 2013.



Jessica Lyons
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of February, 2013, by ZOE ANN MCPHERSON, Registered Nurse License Number 644919, and said Order is final.

Effective this 19th day of March, 2013.



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