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Respondent's professional nursing employment history continued:

07/99 - 01/01	RN	Charter Hospital Victoria, Texas
02/01 - 02/02	Charge Nurse	Matagorda General Hospital Bay City, Texas
05/01 - 12/02	Director of Nursing	Fort Bend Healthcare Rosenberg, Texas
01/03 - 09/05	Case Manager	Hearthstone Healthcare Round Rock, Texas
09/05 - 08/11	Director of Nursing	Texas State Healthcare Missouri City, Texas
09/11 - 10/11	Unknown	
11/11 - Present	Director of Nursing	Matagorda General Hospital Bay City, Texas

6. On or about February 9, 1999, Respondent was issued an Order of Conditional Eligibility by the Board of Nurse Examiners for the State of Texas Board. A copy of the Findings of Fact, Conclusions of Law, and Order of Conditional Eligibility dated February 9, 1999, is attached and incorporated, by reference, as part of this Order.
7. At the time of the incident, Respondent was employed as a Registered Nurse with Texas State Healthcare, Missouri City, Texas, and had been in this position for seventy-one (71) months.
8. On or about July 10, 2011, while employed with Texas State Healthcare, Missouri City, Texas, Respondent lacked fitness to practice professional nursing in that she admitted herself into Serenity House of Fredericksburg, Texas, for treatment of alcohol abuse. Respondent's conduct was likely to injure patients in that her condition could have affected her ability to recognize the signs, symptoms, or changes in patients' conditions and could have prevented her from being able to make rational, accurate, and appropriate assessments, judgements, and decisions regarding care of her patients.
9. Regarding the conduct outlined in Finding of Fact Number Eight (8), Respondent states that due to the stress in her personal life and work, she became emotionally drained and experienced anxiety. She had never been more than a social drinker, but she noticed her drinking had increased during the evenings hours, while at her home, at which time she would drink to help her relax and cope with her anxiety. Having knowledge of chemical dependency, she became worried and sought treatment at Serenity House of Fredericksburg, Texas.

10. 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.

#### 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 §217.12(4)&(10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 659146, heretofore issued to VICKIE PIWONKA, 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 REPRIMAND 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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) 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.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing

education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(6) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) year(s) of employment as a nurse.

(7) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing**

**evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(8) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject the nurse to further disciplinary action, including

EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

(9) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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



RESPONDENT'S CERTIFICATION

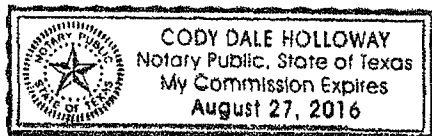
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 18 day of March, 20 13.

Vickie Piwonka  
VICKIE PIWONKA, RESPONDENT

Sworn to and subscribed before me this 18 day of March, 20 13.

SEAL



Cody D. Holloway  
Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18<sup>th</sup> day of March, 2013, by VICKIE PIWONKA, Registered Nurse License Number 659146, and said Order is final.

Effective this 18<sup>th</sup> day of April, 2013.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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IN THE MATTER OF	§	
VICKIE RENEE PIWONKA	§	ORDER
PETITIONER FOR ELIGIBILITY	§	of
FOR LICENSURE	§	CONDITIONAL ELIGIBILITY

On the date entered below, the Executive Director of the Board of Nurse Examiners, Katherine A. Thomas, MN, RN, considered the Petition for Declaratory Order and supporting documents filed by VICKIE RENEE PIWONKA together with any documents and information gathered by staff and Petitioner's Certificate contained herein, and makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On or about November 2, 1998, Petitioner submitted a Petition for Declaratory Order in compliance with Article 45.19a(a), Texas Revised Civil Statutes, Annotated, as amended.
2. On or about December 18, 1998, Petitioner received an associate degree in nursing from The Victoria College School of Nursing, Victoria, Texas.
3. Petitioner waived representation, notice, administrative hearing, and judicial review.
4. Petitioner disclosed the following criminal history:  
  
On or about January 29, 1993, in the County Court at Law Number One of Victoria County, Texas, in Cause Number 2-58,782, Petitioner was convicted of the offense of Theft by Check (a class B misdemeanor). Petitioner was fined \$247.00. Petitioner met the conditions of the Court on February 26, 1993.
5. The Executive Director considered the evidence of Petitioner's conviction and evaluated the direct relationship of the crime committed by the Petitioner to the practice of nursing pursuant to the requirements of Article 6252-13c, Texas Revised Civil Statutes, Annotated, as amended, and the factors enumerated in 22 Texas Administrative Code §213.28 (c), including but not limited to the nature and circumstances of the offense and the absence of any conviction subsequent to the one listed in findings of fact number four (4) above.
6. Letters of support were received from Mary Virginia Jacobs, RN, MSN, Instructor, The Victoria College, Victoria, Texas.

7. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition for Declaratory Order, her past behavior conforms to the Board's professional character requirements. Petitioner presented no evidence of behavior since her conviction on January 29, 1993, which is inconsistent with good professional character.
8. In consideration of Petitioner's past conduct and subsequent evidence of rehabilitation, the Executive Director finds that Petitioner should be declared conditionally eligible to take the National Council Licensure Examination for Registered Nurses.
9. The Executive Director further finds that the stipulation hereinafter set forth is necessary to assure that the public will be protected and that the Petitioner will continue to conform her conduct to the requirements of the law and the Board's practice standards.
10. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
11. Petitioner has been advised by the Executive Director that any information found to be incomplete, incorrect or misleading will be considered and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through misrepresentation.

#### CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Article 4525(a), Texas Revised Civil Statutes, Annotated, as amended.
2. Petitioner has submitted a petition in compliance with Article 4519a(a), TEX. REV. CIV. STAT. ANN., as amended.
3. Petitioner's criminal history reflects a crime of moral turpitude which is a ground for denial of a license under Article 4525(b)(3), TEX. REV. CIV. STAT. ANN., as amended.
4. The Board may license an individual who has been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Article 6232-13c, TEX. REV. CIV. STAT. ANN., as amended.
5. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.



NOW, THEREFORE, IT IS ORDERED that upon payment of any required fees, VICKIE RFNEE PIWONKA IS CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination).

IT IS FURTHER ORDERED that upon attaining a passing grade on the NCLEX-RN® Examination, Petitioner shall be issued a CODED LICENSE to practice nursing in the State of Texas under the following STIPULATION:

1. Within one year of initial licensure, Petitioner SHALL successfully complete a course in nursing jurisprudence. Petitioner SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. Petitioner 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 Petitioner's successful completion of the course.

IT IS FURTHER ORDERED that Petitioner shall comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, as amended, Article 4513 et seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 Texas Administrative Code, §211.01 et seq., and this Order.

IT IS FURTHER ORDERED that upon full compliance with the terms of this Order, Petitioner may be issued an unencumbered license to practice professional nursing in the State of Texas.

PETITIONER'S CERTIFICATE

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past convictions, and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Petition for Declaratory Order, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my petition, I acknowledge that I have read and I understand Articles 4519a, 4525(a) and (b), and 6252-13c, Texas Revised Civil Statutes, Annotated, as amended, and Board Rules 213-27, 213-28, and 213-29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Order. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN or accepting any permit or license from the Board of Nurse Examiners.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

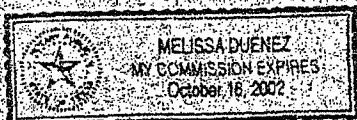
Signed this 22 day of January, 19 99.

Vickie Renee Piwonka  
VICKIE RENEE PIWONKA

Sworn to and subscribed before me by the said Vickie R. Piwonka this 22 day of

January, 19 99.

SEAL




Melissa Duenez  
Notary Public in and for the State of  
Texas



Entered this 9th day of February, 19 99

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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

- Attachments:
- [1] Article 4519a, Texas Revised Civil Statutes, Annotated, as amended
  - [2] Article 4525(a) and (b), Texas Revised Civil Statutes, Annotated, as amended
  - [3] Article 6252-13c, Texas Revised Civil Statutes, Annotated, as amended
  - [4] Rule 213.27, 22 Texas Administrative Code
  - [5] Rule 213.28, 22 Texas Administrative Code
  - [6] Rule 213.29, 22 Texas Administrative Code