



Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 518350 §
issued to JANE H HAYCRAFT § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JANE H HAYCRAFT, Registered Nurse License Number 518350, 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 April 16, 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 University of Texas, Galveston, Texas, on May 1, 1984. Respondent was licensed to practice professional nursing in the State of Texas on August 24, 1984.
5. Respondent's professional nursing employment history includes:

06/84 - 12/90

GN/Staff Nurse I/
Staff Nurse III

UTMB at Galveston
Galveston, Texas

01/91 - 12/99

Organ Recovery Coordinator/
Senior Recovery Coordinator

Southwest Transplant Alliance
Dallas, Texas

Respondent's professional nursing employment history continued:

01/00 - 01/01	Clinical Research Nurse	PPD Development Austin, Texas
02/01 - 12/03	Registered Nurse Emergency Unit	St. David's Medical Center Austin, Texas
12/03 - 12/04	Unknown	
12/04 - 09/05	Registered Nurse	Warm Springs Hospital Luling, Texas
10/05 - 12/06	Unknown	
2006 - 2009	Case Manager/ MDS Nurse	Park Bend Health Center Austin, Texas
2006 - Present	PICC Line Nurse	PICC Line Professional Austin, Texas
07/09 - 04/13	Sedation Nurse/ Pre-op Post-op Nurse	Stonegate Surgery Center Austin, Texas
02/13 - Present	Unknown	

6. On or about December 27, 2005, Respondent was issued an Order 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 December 27, 2005, 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 Stonegate Surgery Center, Austin, Texas, and has been in this position for forty-five (45) months.
8. On or about February 13, 2013, while employed with Arise Healthcare/Stonegate Surgery Center, Austin, Texas, Respondent misappropriated one (1) Oxycodone tablet belonging to Patient 46279. Subsequently, on or about February 19, 2013, Respondent admitted to staff that she misappropriated one (1) Oxycodone tablet for her own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
9. On or about February 18, 2013, while employed with Arise Healthcare/Stonegate Surgery Center, Austin, Texas, Respondent made a false entry on the Electronic Medication Administration Record (EMAR) of Patient 46279. Respondent used the name of nurse TL to indicate said nurse gave an Oxycodone tablet to Patient 46279 on February 13, 2013. Subsequently, on or about February 19, 2013, Respondent admitted conducting said act to staff. Respondent's conduct was likely to deceive other caregivers who needed complete information on which to base their care.

10. Regarding the conduct outlined in Finding of Facts Number Eight (8) and Number Nine (9), Respondent states she misappropriated a tablet of Oxycodone for her own personal use, and altered the Electronic Medication Record.
11. 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 §§ 217.11(1)(C)&(1)(D) and 217.12(1)(A),(1)(C),(4),(6)(A),(6)(G),(8),(10)(B)(E)&(11)(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 518350, heretofore issued to JANE H HAYCRAFT, 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 Registered Nurse License Number 518350, previously issued to JANE H HAYCRAFT, to practice nursing in Texas is/are hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

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 the 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, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) 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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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>.*

(4) RESPONDENT SHALL, within one (1) year of entry of the suspension being stayed, 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>.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 PROBATION CONDITIONS FOR THREE (3) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) 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:

(6) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions 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.

(7) 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.

(8) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(11) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(12) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(13) 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) months for three (3) years of employment as a nurse.

(14) 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 an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(15) 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 probation 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
Barbiturates

Meperidine
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 probation 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 probation 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.

(16) 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) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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.

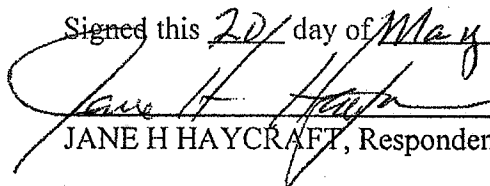
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RESPONDENT'S CERTIFICATION

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.

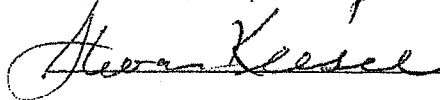
Signed this 20 day of May, 2013.


JANE H HAYCRAFT, Respondent

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

SEAL

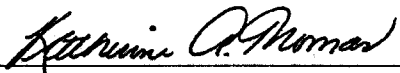




Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of May, 2013, by JANE H HAYCRAFT, Registered Nurse License Number 518350, and said Order is final.

Effective this 11th day of June, 2013.


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



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.
William C. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse
License Number 518350
issued to JANE H. HAYCRAFT

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§

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AGREED
ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that JANE H. HAYCRAFT, hereinafter referred to as Respondent, Registered Nurse License Number 518350, may have violated Section 301.452(b)(10), Texas Occupations Code.

An informal conference was held on April 5, 2005, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Richard C. Collins, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Jonathan Teisher, Investigator; Paula Longoria, Investigator; and Sonia M. Vega, 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 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 the University of Texas, Galveston, Texas, on May 1, 1984. Respondent was licensed to practice professional nursing in the State of Texas on August 24, 1984.

5. Respondent's professional nursing employment history includes:

06/84 - 12/90	GN/Staff Nurse I/ Staff Nurse III	UTMB at Galveston Galveston, Texas
01/91 - 12/99	Organ Recovery Coordinator/ Senior Recovery Coordinator	Southwest Transplant Alliance Dallas, Texas
01/00 - 01/01	Clinical Research Nurse	PPD Development Austin, Texas
02/01 - 12/05/03	Registered Nurse Emergency Unit	St. David's Medical Center Austin, Texas
12/06/03 - 12/04		Unknown
12/04 - 09/05	Registered Nurse	Warm Springs Hospital Luling, Texas

6. At the time of the incidents, Respondent was employed as a Registered Nurse in the Emergency Unit with St. David's Medical Center, Austin, Texas, and had been in this position for two (2) years and ten (10) months.
7. On or about November 2003, through December 2003, while employed with St. David's Medical Center, Austin, Texas, Respondent withdrew Norco from the Accudose Medication Dispensing System for patients, but failed to document the administration of the medication in the patients' Medication Administration Records and Nurses Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients.
8. On or about November 2003, through December 2003, while employed with St. David's Medical Center, Austin, Texas, Respondent withdrew Norco from the Accudose Medication Dispensing System for patients without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Norco without a physician's order could result in the patients suffering adverse reactions.
9. On or about November 2003, through December 2003, while employed with St. David's Medical Center, Austin, Texas, Respondent withdrew Norco from the Accudose Medication Dispensing System for patients but failed to follow the facility's policy and procedure for the wastage of the medication. Respondent's conduct was likely to deceive the facility's pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

10. On or about November 2003, through December 2003, while employed with St. David's Medical Center, Austin, Texas, Respondent misappropriated Norco belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
11. On or about August 5, 2004 and August 17, 2004, Respondent underwent a forensic psychological evaluation, performed by Dr. Matthew L. Ferrara, Ph.D. Dr. Ferrara stated that it appeared that Respondent wanted to portray herself in a positive light and did well on tests performed. Respondent appeared defensive in her approach to the tests, which caused Dr. Ferrara to question the accuracy of the tests. The polygraph exam performed by Peter Heller resulted in a finding of "deception indicated." Questions included: "Did you steal narcotics from St. David's for your personal use?" Answer "NO," and "Are you telling the truth when you say you did not steal narcotics from St. David's for your use?" Answer "YES." When Respondent was told that she failed the polygraph exam, she reportedly told the polygrapher that "on three occasions she left the hospital with morphine and on two occasions with Ativan. She denies using any of the narcotics when she arrived at home but admitted that she did not follow procedures for disposal of the drugs." After review of tests and the polygraph, Dr. Ferrara believes there is cause for the Board to be cautious and at this time believes it would be unwise to allow Respondent to practice as a nurse.
12. On or about June 8, 2005, Respondent underwent a psychological evaluation for depression, performed by Dr. Alexander Howe, Ph.D. Dr. Howe recommends Ms. Haycraft maintain frequent and open communication with a trained rheumatologist/pain management professional, that can respond and provide appropriate physical, psychological/behavioral, and pharmaceutical treatment; Ms. Haycraft's depressive disorder requires comprehensive psychotherapeutic treatment that involves both psychological-based counseling and psychotherapeutic medication; Ms. Haycraft could benefit from the utilization of specific psychopharmacological medication designed to elevate and stabilize her mood over an extended period of time. Dr. Howe states noticeable improvement should be expected within a 3 to 6 month involvement with the comprehensive psychotherapeutic program.
13. On or about December 2004, through September 2005, while employed with Warm Springs Hospital, Luling, Texas, Respondent admitted to misappropriating Lortab 7.5 and Vicodin from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
14. On or about December 2004, through September 2005, while employed with Warm Springs Hospital, Luling, Texas, Respondent admitted to making false entries regarding the narcotics count of Lortab and Vicodin by signing out thirty (30) tabs, then changing the amount to twenty (20) tabs at a later time. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.

15. On or about June 21, 2005, Respondent underwent an evaluation for Pain Management, performed by Dr. Angel M. Roman, M.D. Dr. Roman states, "this is a patient with polyarticular rheumatoid arthritis, multiple joints involved including the wrists, hands, lumbar spine, both hips, and both ankles. She has entrapment neuropathy in the wrists and elbows probably also as a consequence of her rheumatoid disease, systemic disease. She has chronic pain syndrome on the basis of the above and she does require the analgesic medication that has been prescribed quite judiciously by her rheumatologist, and the average of approximately 3 Lortabs per day over the course of a 30 day period of time is not unusual or unexpected for patients with this condition, i.e., rheumatoid involvement, multiple joints, upper and lower extremities as well as the spine. I would grade her narcotic medication usage as appropriate and controlled, and medically necessary. The dose range is also appropriate." Dr. Roman's final recommendation is that Ms. Haycraft remain on the pain management program set up for her by her Rheumatologist.
16. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
17. 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.
18. Charges were filed on November 2, 2004.
19. Charges were mailed to Respondent on November 8, 2004.
20. Respondent's conduct described in Finding of Fact Numbers Seven (7) through Ten(10) and Thirteen (13) and Fourteen (14) was significantly influenced by Respondent's impairment by dependency on chemicals.
21. 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 301.451-301.455, 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 Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1),(3),(4),(18),(19)&(20) and 22 TEX. ADMIN. CODE §217.12(6)(A),&(6)(G),(8),&(10)(B)(effective September 28, 2004).

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 518350, heretofore issued to JANE H. HAYCRAFT, 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, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to 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, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

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RESPONDENT'S CERTIFICATION

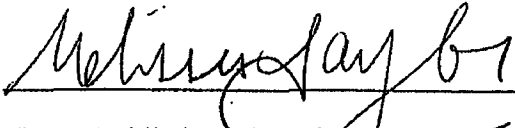
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By 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.

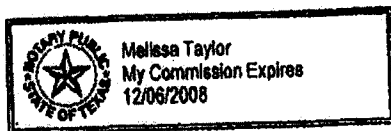
Signed this 20 day of December, 2005


JANE H. HAYCRAFT, Respondent

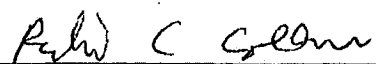
Sworn to and subscribed before me this 20 day of December, 2005.

SEAL


Notary Public in and for the State of Texas



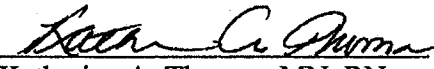
Approved as to form and substance.


Richard C. Collins, Attorney for Respondent

Signed this 20 day of December, 2005

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 20th day of December, 2005, by JANE H. HAYCRAFT, Registered Nurse License Number 518350, and said Order is final.

Entered and effective this 27th day of December, 2005.


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