

IN THE MATTER OF §
PERMANENT VOCATIONAL NURSE §
LICENSE NUMBER 127846 §
ISSUED TO §
CAROLYN JEAN EDDY §

BEFORE THE TEXAS
BOARD OF NURSING

ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: Carolyn Jean Eddy
2314 Texas
Perryton, Texas 79070

During open meeting held in Austin, Texas, on **Tuesday, December 10, 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



Patricia A. Plummer
Executive Director of the 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.

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 Vocational Nurse License Number 127846, previously issued to CAROLYN JEAN EDDY, 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 10th day of December, 2013.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed October 9, 2013.

Re: Permanent Vocational Nurse License Number 127846
Issued to CAROLYN JEAN EDDY
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 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

Carolyn Jean Eddy
2314 Texas
Perryton, Texas 79070

Via USPS First Class Mail

Carolyn Jean Eddy
5441 Grove Manor
Lady Lake, FL 32159

BY:



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

In the Matter of § BEFORE THE TEXAS
Permanent Vocational Nurse §
License Number 127846 §
Issued to CAROLYN JEAN EDDY, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CAROLYN JEAN EDDY, is a Vocational Nurse holding License Number 127846, 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 August 14, 2013, Respondent received an Order of Emergency Restriction of License from the State of Florida Department of Health, wherein her license to practice practical nursing in the State of Florida was summarily restricted. A copy of the Order of Emergency Restriction of License from the State of Florida Department of Health dated August 14, 2013, is attached and incorporated, by reference, as part of this pleading.

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.

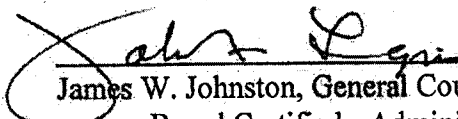
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can 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.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of Emergency Restriction of License from the State of Florida Department of Health dated August 14, 2013.

Filed this 9th day of October, 2013.

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 Emergency Restriction of License from the State of Florida Department of Health dated August 14, 2013.

D/2012.06.19

FILED DATE AUG 15 2013

Department of Health

By: 
Deputy Agency Clerk**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

In Re: Emergency Restriction of the License of
Carolyn Jean Eddy, L.P.N.
License No.: PN 5178122
Case Number: 2013-07474

ORDER OF EMERGENCY RESTRICTION OF LICENSE

John H. Armstrong, MD, FACS, State Surgeon General and Secretary of Health, ORDERS the emergency restriction of the license of Carolyn Jean Eddy ("Ms. Eddy") to practice as a practical nurse in the State of Florida. Ms. Eddy holds license number PN 5178122. Her address of record is 5441 Grove Manor, Lady Lake, FL 32159. The following Findings of Fact and Conclusions of Law support the emergency restriction of Ms. Eddy's license to practice as a practical nurse in the State of Florida.

FINDINGS OF FACT

1. The Department of Health ("Department") is the state agency charged with regulating the practice of nursing pursuant to Chapters 20, 456 and 464, Florida Statutes (2013). Section 456.073(8), Florida Statutes (2013), authorizes the State Surgeon General to summarily restrict Ms. Eddy's license to practice as a practical nurse in the State of Florida, in accordance with Section 120.60(6), Florida Statutes (2013).

2. At all times material to this order, Ms. Eddy was licensed as a practical nurse in the State of Florida, pursuant to Chapter 464, Florida Statutes (2013).

3. On or about February 12, 2010, at approximately 10:00 p.m., Ms. Eddy nearly ran into another vehicle on a roadway in Marion County, Florida. This caused a verbal argument between Ms. Eddy and Ms. S.G., the driver of the other vehicle.

4. Marion County Sheriff's Deputy M.S. responded to Ms. Eddy's location and noted that Ms. Eddy had difficulty steadying herself when exiting her vehicle, had a strong odor of alcohol on her breath, had slurred speech and was "weaving" while standing.

5. Based upon his observations of Ms. Eddy's behavior, Deputy M.S. requested that Ms. Eddy perform field sobriety exercises. Deputy M.S. arrested Ms. Eddy for Driving Under the Influence after she failed to perform the exercises to standard.

6. Ms. Eddy was then transported to the Marion County Jail where she refused to provide a breath sample for alcohol testing.

7. On or about April 13, 2010, Ms. Eddy pleaded guilty to the charge of Driving Under the Influence, Second Offense, in Marion County case

number 42-2010-CF-001377.

8. Ms. Eddy was required, as part of her judgment and sentence, to serve ten days in the Marion County Jail, to comply with probation conditions for a period of twelve months, to not possess or consume any prescription medication without a prescription, to complete DUI Court, to not possess or consume alcoholic beverages or illegal drugs, and to comply with random drug and alcohol screens.

9. On or about February 16, 2011, Ms. Eddy tested positive for alcohol at 8:25 a.m. Ms. Eddy's breath-alcohol content was .139 grams of alcohol per 210 liters of breath. Ms. Eddy signed an admission form given to her by her probation officer. On the admission form, Ms. Eddy stated that she consumed alcohol on February 13, 2011, through February 15, 2011.

10. On or about February 17, 2011, Ms. Eddy failed to appear for required treatment ordered as part of her probation conditions.

11. On or about February 18, 2011, Ms. Eddy failed to report for a random drug screening ordered as part of her probation conditions.

12. In addition to the failure to comply with the probation conditions listed previously, Ms. Eddy failed to complete DUI Court successfully.

13. On or about February 18, 2011, Ms. Eddy's probation officer

executed a Violation of Probation Affidavit, and a warrant was issued for Ms. Eddy's arrest.

14. On or about February 28, 2011, Ms. Eddy was arrested and booked into the Marion County Jail based on the Violation of Probation Warrant.

15. On or about May 26, 2011, Ms. Eddy entered a plea of guilty to the Violation of Probation charge in Marion County case number 42-2010-CF-001377. The County Court Judge revoked Ms. Eddy's probation and sentenced her to serve a period of 180 days in the Marion County Jail. Ms. Eddy was given credit for the 87 days she served before entering her plea. On July 20, 2011, Ms. Eddy was released from the custody of the Marion County Jail.

16. On or about July 22, 2013, Ms. Eddy underwent a Department-ordered evaluation with Dr. S.T., an addiction medicine specialist.

17. Ms. Eddy provided urine, hair and blood samples for drug and alcohol testing.

18. Ms. Eddy reported to Dr. S.T. that she abstained from alcohol since October 2011. Dr. S.T. noted that Ms. Eddy's blood test results did not support Ms. Eddy's assertion and actually showed significant alcohol

consumption in the two weeks prior to Ms. Eddy's evaluation.

19. Ms. Eddy reported to Dr. S.T. that she received a prescription for hydrocodone approximately one-year prior to her evaluation by a dentist. Ms. Eddy reported that the medication was prescribed after a tooth extraction, but she currently uses the medication for back pain.

20. Hydrocodone is an opioid-class medication commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes (2013), hydrocodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of hydrocodone may lead to severe psychological or physical dependence.

21. Dr. S.T. reported that Ms. Eddy's positive hair and urine screening indicate that she had recent and chronic exposure to hydrocodone. Dr. S.T. concluded that Ms. Eddy's "cavalier" opioid use displays "very poor judgment, if not addictive behavior."

22. Dr. S.T. diagnosed Ms. Eddy with alcohol dependence and poor coping skills. Dr. S.T. opined that Ms. Eddy would benefit from additional evaluation for opiate use disorder.

23. Dr. S.T. opined that Ms. Eddy is not safe to practice nursing with

reasonable skill and safety to patients.

24. Dr. S.T. noted that, in order for Ms. Eddy to be able to return to the practice of nursing with reasonable skill and safety, Ms. Eddy would need to abstain completely from alcohol and drugs with addiction liability, complete an alcohol and substance abuse treatment program, prove a minimum of six months of documented sobriety and abstinence from alcohol through a monitoring agency, and continue to be monitored by the Intervention Project for Nurses upon return to the practice of nursing.

25. In the course of their practice, licensed practical nurses have access to medications, including controlled substances, which have a high likelihood for abuse and harm. Licensed practical nurses must dispense and administer such drugs in a manner that is safe and effective for the patient. Because a practical nurse that is impaired by the use of controlled substances may not be capable of administering medications to, or caring for, patients in a manner that is correct and safe, Ms. Eddy's continued unrestricted practice as a practical nurse presents a risk of immediate serious danger to the health, welfare and safety of the public.

26. An independent medical expert has determined that Ms. Eddy is unsafe to practice nursing with reasonable skill and safety. Based on that

expert's opinion and recommendation of the requirements Ms. Eddy must complete in order to return to the practice of nursing with reasonable skill and safety to patients, there is no less-restrictive sanction than the terms outlined in this Order that will adequately protect the public. Because Ms. Eddy's history of using and/or abusing alcohol, and her use of opiates adversely affects her judgment and her ability to practice as a practical nurse, it is impossible to craft a less-restrictive sanction that would adequately protect the public from the danger posed by Ms. Eddy's unrestricted practice of nursing.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes (2013), and Chapter 464, Florida Statutes (2013), as set forth above.
2. Section 464.018(1)(j), Florida Statutes (2013), allows the Board of Nursing to impose discipline, including restriction, against a licensee for being unable to practice nursing with reasonable skill and safety to patients

by reason of illness or use of alcohol, drugs, narcotics or chemicals or any other type of material or as a result of any mental or physical condition.

3. Ms. Eddy violated Section 464.018(1)(j), Florida Statutes (2013), by being unable to practice nursing with reasonable skill and safety to patients due to her use of alcohol and opiates.

4. Section 120.60(6), Florida Statutes (2013), authorizes the State Surgeon General to summarily restrict a licensed practical nurse's license upon a finding that the licensed practical nurse presents an immediate, serious danger to the public health, safety or welfare.

5. Ms. Eddy's continued unrestricted practice as a practical nurse constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida, and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes (2013), it is **ORDERED THAT**:

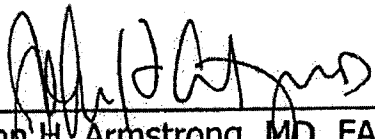
1. The license of Ms. Eddy to practice nursing, license number PN 5178122, is immediately restricted to prohibit Ms. Eddy from practicing in any clinical setting until the following conditions are met:

In Re: Emergency Restriction of the License of
Carolyn Jean Eddy, L.P.N.
License No.: PN 5178122

- a. Ms. Eddy successfully completes an alcohol and substance abuse treatment program and provides proof of completion to the Department.
- b. Ms. Eddy provides documentation, through the Intervention Project for Nurses, of sobriety and abstinence from all alcohol and drugs with addiction liability for a period of six months after her completion of alcohol and substance abuse treatment program.

2. A proceeding seeking formal discipline of the license of Carolyn Jean Eddy, PN, to practice as a practical nurse in the State of Florida will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2013).

DONE and ORDERED this 14th day of August, 2013.



John H. Armstrong, MD, FACS
State Surgeon General and
Secretary of Health

In Re: Emergency Restriction of the License of
Carolyn Jean Eddy, L.P.N.
License No.: PN 5178122

PREPARED BY:

Louise Wilhite-St Laurent
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar Number 100159
(P) 850/245-4444, ext. 8331
(F) 850/245-4662
(E) Louise_StLaurent@doh.state.fl.us

In Re: Emergency Restriction of the License of
Carolyn Jean Eddy, L.P.N.
License No.: PN 5178122

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Sections 120.60(6), and 120.68, Florida Statutes, the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, and accompanied by a filing fee prescribed by law with the District Court of Appeal, and providing a copy of that Petition to the Department of Health within thirty (30) days of the date this Order is filed.