BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED
Registered Nurse License Number 638082	§	
& Vocational Nurse License Number 158133	§	
issued to REBECCA JUAREZ SILVA	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of REBECCA JUAREZ SILVA, Registered Nurse License Number 638082, and Vocational Nurse License Number 158133, 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) and 301.453, 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 September 21, 2013.

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. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.

4. Respondent received an Associate Degree in Nursing from the San Antonio college, San Antonio, Texas, on December 1, 1996. Respondent was originally licensed to practice professional nursing in the State of Texas on February 19, 1997.

5. Respondent's nursing employment history is unknown.

6. On or about November 18, 2011, Respondent was issued a CORRECTIVE ACTION by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Corrective Action dated November 18, 2011, is attached and incorporated, by reference, as part of this Order.

7. On or about June 4, 2013, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED 2ND, a Class A Misdemeanor offense committed on July 6, 2011, in the County Court at Law No. 14 of County, Texas, under Cause No. 366237. As a result of the conviction, Respondent was sentenced to confinement in the Bexar County Jail for a period of one (1) year; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of nine (9) months, and ordered to pay a fine and court costs.

8. In response to Findings of Fact Number Seven (7), Respondent states she has previously been convicted of a DWI offense in Bexar County and disclosed the information to the Board. She has a second DWI charge from July 2011. As a result of the charge and as a condition of Bond she is required to have an ignition interlock in her vehicle until such charge has been disposed. She is taking all necessary actions to comply with pretrial regulation in regards to this DWI. She has also examined her drinking habits and has modified her behavior such that she does not put herself in a position to drink and drive at the same time.

9. Respondent completed a chemical dependency evaluation on July 24, 2013 with Sean Connolly, PH.D., The following is his statement:

    Respondent has consumed alcohol throughout her adult life, and continued to drink in a pattern that suggested some binge drinking. She seems to lack self-awareness of the seriousness of her abuse of alcohol or may be associated with "the disease of denial" that is often associated with alcoholism. She has not followed up in after-care treatment. She appears to have had minimal counseling and psychotherapy in dealing with psychological issues.

    It is recommended that she participate in the Texas peer Assistance Program for Nurses to develop a system of managing her drinking behavior and the probable use of alcohol to comfort or numb her emotions. She should also get involved in psychotherapy, to deal with the underlying depression, and issue and conflicts that her personality profile clearly indicate, although she may lack awareness, willingness, or motivation to deal with them. It is also recommended that she participate in a 12-step program, recognizing her abuse of alcohol and the impact it has had on her personal life and profession.

10. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

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.

12.   Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.

13.   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 301.451-301.555, 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(5)&(13).

4.   The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 638082, and Vocational Nurse License Number 158133, heretofore issued to REBECCA JUAREZ SILVA, up to, and including, revocation of Respondent's license(s) 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, subject to ratification by the Texas

Board of Nursing, that Registered Nurse License Number 638082, and Vocational Nurse License

Number 158133, previously issued to REBECCA JUAREZ SILVA, to practice nursing in Texas

is/are hereby SUSPENDED and said suspension is ENFORCED until Respondent complies with

Stipulation Numbers One (1) and Two (2):

(1) RESPONDENT SHALL apply to and be accepted into the TPAPN and complete

the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

IT IS FURTHER AGREED, upon verification of compliance with Stipulation Numbers One (1) and Two (2), the SUSPENSION will be stayed, and RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the TPAPN:

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

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.

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, 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 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.

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 may be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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. I 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 Stipulation Numbers 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 Texas Board of Nursing, 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.
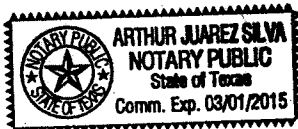
Signed this _20th_ day of _December_, 20_13_.

Rebecca Juarez Silva
REBECCA JUAREZ SILVA, Respondent

Sworn to and subscribed before me this _20_ day of _December_, 20_13_.

SEAL

_____
Notary Public in and for the State of _Texas_

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the

Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the __

_20th_ day of __December__, 20_13_, by REBECCA JUAREZ SILVA, Registered Nurse License

Number 638082, and Vocational Nurse License Number 158133, and said Order is final.

Effective this __3rd__ day of __January__, 20_14_.

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