

In the Matter of
Permanent Vocational Nurse
License Number 226219
Issued to ALLISON KAYE HEISER,
Respondent

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BEFORE THE TEXAS

BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: ALLISON KAYE HEISER
71 LAKE RIDGE DR
LAKE DALLAS, TX 75065

A public meeting of the Texas Board of Nursing was held on March 21, 2014 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 226219, issued to ALLISON KAYE HEISER was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of ALLISON KAYE HEISER and whether continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about February 5, 2014, Respondent was non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on November 9, 2012. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that she engaged in the use of alcohol as evidenced by her submission of a specimen for a drug screen which was diluted and resulted positive for Ethyl Glucuronide (EtG). Respondent admitted to consuming alcohol. Additionally, Respondent failed to satisfy her one (1) year work requirement, had not submitted 12 Step Meeting attendance records or 90/90 completion documentation since starting her participation with TPAPN, and had not submitted monthly Self Reports since April 2013. Stipulation Number Three (3) of the Agreed Order



Allison K. 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.

dated November 9, 2012, states:

"(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term and SHALL keep his license to practice nursing in the State of Texas current."

On or about February 5, 2014, Respondent was dismissed from TPAPN and referred back to the Board.

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by ALLISON KAYE HEISER constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Vocational Nurse License Number 226219, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

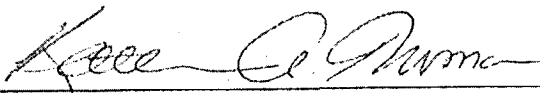
NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 226219,, issued to ALLISON KAYE HEISER, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 21st day of March, 2014.

TEXAS BOARD OF NURSING

BY:


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

In the Matter of § BEFORE THE TEXAS
Permanent Vocational Nurse §
License Number 226219 §
Issued to ALLISON KAYE HEISER, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ALLISON KAYE HEISER, is a Vocational Nurse holding License Number 226219, which is in 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 February 5, 2014, Respondent was non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on November 9, 2012. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that she engaged in the use of alcohol as evidenced by her submission of a specimen for a drug screen which was diluted and resulted positive for Ethyl Glucuronide (EtG). Respondent admitted to consuming alcohol. Additionally, Respondent failed to satisfy her one (1) year work requirement, had not submitted 12 Step Meeting attendance records or 90/90 completion documentation since starting her participation with TPAPN, and had not submitted monthly Self Reports since April 2013. Stipulation Number Three (3) of the Agreed Order dated November 9, 2012, states:

"(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term and SHALL keep his license to practice nursing in the State of Texas current."

On or about February 5, 2014, Respondent was dismissed from TPAPN and referred back to the Board.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10) Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5),(9),(10)(A)&(11)(B).

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 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 dated November 9, 2012.

Filed this 21st day of March, 2014.

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

John F. Legris, Assistant General Counsel
State Bar No. 00785533

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated November 9, 2012.

D/2013 11 19



I do hereby certify that this is a complete, accurate, and true copy of the document which is on file with the office of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 226219 §
issued to ALLISON KAYE HEISER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ALLISON KAYE HEISER, Vocational Nurse License Number 226219, 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)(9),(10)&(12) 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, 2012.

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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from North Central Texas College, Gainesville, Texas on December 11, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on January 14, 2010.

5. Respondent's vocational nursing employment history includes:

02/2010 - 12/2011	LVN	Angels of Care Pediatric Home Health Sherman, Texas
12/2011 - 02/2012	LVN	Viva Pediatrics Dallas, Texas
03/12 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Angels of Care Pediatric Home Health, Sherman, Texas and had been in this position for one year ten months (1 year 10 months).
7. On or about December 14, 2011, while employed with Angels of Care Pediatric Home Health, Sherman, Texas, and performing a home health visit for Patient FM 1069, Respondent may have lacked fitness to practice vocational nursing in that she exhibited impaired behavior while on duty, including, but not limited to, acting confused and incoherent, unable to remember medication administration, and unable to follow direction. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about December 14, 2011, while employed with Angels of Care Pediatric Home Health, Sherman, Texas, Respondent engaged in the intemperate use of Methamphetamines, Amphetamines, and Cocaine in that she produced a specimen for a for-cause drug screen which tested positive for Methamphetamines, Amphetamines, and Cocaine. Unlawful possession of Methamphetamines, Amphetamines, and Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Methamphetamines, Amphetamines, and Cocaine by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
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.

11. Respondent admits to the conduct outlined in Findings of Fact Numbers Seven (7) and Eight (8), and states that she should not have been at work due to not having enough sleep. Respondent also submitted documentation to the Board that indicates she completed a treatment program at Nexus Recovery Center Inc., Dallas, Texas on July 27, 2012.
12. Respondent's conduct as described in the preceding Findings 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 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(5),(10)(A)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 226219, heretofore issued to ALLISON KAYE HEISER, 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 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) 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.

(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.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 multistate licensure 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, 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.

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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. 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 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 23rd day of October, 2012.

Allison Kaye Heiser
ALLISON KAYE HEISER, RESPONDENT

Sworn to and subscribed before me this 23rd day of October, 2012.

SEAL

Kristopher A. Karazissis
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 23rd day of October, 2012, by ALLISON KAYE HEISER, Vocational Nurse License Number 226219, and said Order is final.

Entered and effective this 9th day of November, 2012.



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