



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.  
*Patricia A. Williams*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING  
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In the Matter of  
Vocational Nurse License Number 133233  
issued to PATRICIA EVE WINDHAM

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§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 133233, issued to PATRICIA EVE WINDHAM, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received Certificate in Vocational Nursing from Perth Ambo Adult School, Perth Amboy, New Jersey, on September 2, 1977. Respondent was licensed to practice vocational nursing in the State of Texas on September 10, 1991.
4. Respondent's nursing employment history is unknown.
5. On or about June 21, 2012, through September 17, 2012, while employed as a Vocational Nurse with Live Oak Medical Center, Blanco, Texas, Respondent withdrew ninety four (94) tablets of Hydorcodone/APAP 5/325mg, seventeen (17) tablets of Hydrocodone/APAP 5/500mg, and forty-two (42) tablets of Hydrocodone/APAP 10/325mg from the Medication Dispensing System for Patient Medical Record Numbers 2001-01, 2011-13-01, 1041-01, and 2011-02-01, but failed to document the administration of the medications, including signs, symptoms, and responses to the medications in the patients' Medication Administration Records and/or 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

which could result in an overdose, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

6. On or about June 21, 2012, through September 17, 2012, while employed as a Vocational Nurse with Live Oak Medical Center, Blanco, Texas, Respondent withdrew ninety four (94) tablets of Hydorcodone/APAP 5/325mg, seventeen (17) tablets of Hydrocodone/APAP 5/500mg, and forty-two (42) tablets of Hydrocodone/APAP 10/325mg from the Medication Dispensing System for Patient Medical Record Numbers 2001-01, 2011-13-01, 1041-01, and 2011-02-01 but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
7. On or about June 21, 2012, through September 17, 2012, while employed as a Vocational Nurse with Live Oak Medical Center, Blanco, Texas, Respondent misappropriated Hydrocodone/APAP from the facility or patients thereof or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. Formal Charges were filed on April 18, 2014.
9. Formal Charges were mailed to Respondent on April 22, 2014.
10. On May 9, 2014, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated May 8, 2014, is attached and incorporated herein by reference as part of this Order.
11. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
12. 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)(A), (1)(B), (1)(D) and 22 TEX. ADMIN. CODE § 217.12(1)(A), (1)(B), (1)(C), (4), (6)(G), (8), (10)(B), (10)(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 Vocational Nurse License Number 133233, heretofore issued to PATRICIA EVE WINDHAM, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§ 213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 133233, heretofore issued to PATRICIA EVE WINDHAM, to practice nursing in the State of Texas, is/are accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license/s is/are surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 9th day of May, 2014.

TEXAS BOARD OF NURSING

By:



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

PATRICIA EVE WINDHAM  
5052 APACHE MOON  
SPRING BRANCH, TX 78070  
Vocational Nurse License Number 133233

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Patricia Windham

Date 5-8-2014

Vocational Nurse License Number 133233

The State of Texas

Before me, the undersigned authority, on this date personally appeared PATRICIA EVE WINDHAM who, being duly sworn by me, stated that he or she executed the above for the purpose therein contained and that he or she understood same.

Sworn to before me the 8th day of May, 2014.

SEAL

Pauline A. Walker

Notary Public in and for the State of Texas

