



*Patricia P. Parnell*  
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.

**In the Matter of  
Permanent Registered Nurse  
License Number 764643  
Issued to JAIME LYNNE TOBOLA,  
Respondent**

§ **BEFORE THE TEXAS**  
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§  
§ **BOARD OF NURSING**

**ORDER OF TEMPORARY SUSPENSION**

**TO: JAIME LYNNE TOBOLA  
102 E. BRACKENRIDGE STREET  
EDNA, TX 77957**

A public meeting of the Texas Board of Nursing was held on September 29, 2014 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 764643, issued to JAIME LYNNE TOBOLA was considered pursuant to Section 301.455, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented information and evidence concerning the conduct of JAIME LYNNE TOBOLA and whether her 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 August 8, 2014, while employed as a Registered Nurse with Healthforce Staffing, Victoria, Texas, and assigned to El Campo Memorial Hospital, El Campo, Texas, Respondent, lacked fitness to practice nursing in that Respondent seemed lethargic. Additionally, Respondent was witnessed by security video, in the medication room, placing a tourniquet on her arm and injecting herself. Respondent was later seen injecting vials with a substance and applying what appears to be glue to the caps of the vials and replacing the caps.

The Texas Board of Nursing further finds that, given the nature of the charges, the continued practice of nursing by JAIME LYNNE TOBOLA constitutes a continuing and imminent threat to

public welfare and that the temporary suspension of , Permanent Registered Nurse License Number 764643, justified pursuant to Section 301.455, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that , Permanent Registered Nurse License Number 764643, issued to JAIME LYNNE TOBOLA, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.455, 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 61<sup>st</sup> day following the date of the entry of this order.

Entered this 29<sup>th</sup> day of September, 2014.

TEXAS BOARD OF NURSING

BY:



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

**In the Matter of  
Permanent Registered Nurse  
License Number 764643  
Issued to JAIME LYNNE TOBOLA,  
Respondent**

§ **BEFORE THE TEXAS**  
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§ **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JAIME LYNNE TOBOLA, is a Registered Nurse holding License Number 764643, which is in current 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 8, 2014, while employed as a Registered Nurse with Healthforce Staffing, Victoria, Texas, and assigned to El Campo Memorial Hospital, El Campo, Texas, Respondent, lacked fitness to practice nursing in that Respondent seemed lethargic. Additionally, Respondent was witnessed by security video, in the medication room, placing a tourniquet on her arm and injecting herself. Respondent was later seen injecting vials with a substance and applying what appears to be glue to the caps of the vials and replacing the caps. Respondent's conduct 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(4)&(5).

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](http://www.bon.texas.gov).

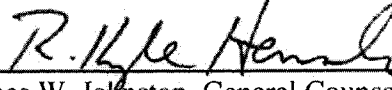
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, for Fraud, Theft and Deception, which can be found at the Board's website, [www.bon.texas.gov](http://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](http://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 July 25, 2014.

Filed this 29<sup>th</sup> day of September, 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

Natalie E. Adelaja, Assistant General Counsel  
State Bar No. 24064715

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 July 25, 2014

D/2014.08.18

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § CONFIDENTIAL  
Registered Nurse License Number 764643 § AGREED ORDER FOR  
issued to JAIME LYNNE TOBOLA § PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAIME LYNNE TOBOLA, Registered Nurse License Number 764643, 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),(12)&(13) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered under the authority of Section 301.466(d), Texas Occupations Code, and approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 29, 2014.

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 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 an Associate Degree in Nursing from Victoria College, Victoria, Texas, on December 12, 2008. Respondent was licensed to practice professional nursing in the State of Texas on January 27, 2009.
5. Respondent's nursing employment history includes:

01/09-07/11	RN	Citizens Medical Center Victoria, Texas
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Respondent's nursing employment history continued:

08/11-03/13            RN            Jackson County Hospital District  
Edna, Texas

04/13-Present            Unknown

6. On or about June 11, 2011, through July 5, 2011, while employed as a Registered Nurse with Citizens Medical Center, Victoria, Texas, Respondent withdrew Dilaudid, Xanax, Hydromorphone, Morphine Sulfate, and Oxycodone from the Medication Dispensing System for patients, but failed to document, or completely and accurately document, the administration of the medications, including signs, symptoms, and responses to the medications in the patients' Medication Administration Records (MAR) 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.
7. On or about June 11, 2011, through July 5, 2011, while employed as a Registered Nurse with Citizens Medical Center, Victoria, Texas, Respondent withdrew Dilaudid, Xanax, Hydromorphone, Morphine Sulfate, and Oxycodone from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
8. On or about June 29, 2011, and July 2, 2011, while employed as a Registered Nurse with Citizens Medical Center, Victoria, Texas, Respondent falsely documented the administration of Dilaudid in the patients' Medication Administration Records, when there was not an associated withdrawal from the Medication Dispensing System. Respondent's conduct was likely to injure the patients in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment. Additionally, Respondent's conduct created an inaccurate medical record on which subsequent care givers would rely on to provide ongoing medical care.
9. On or about June 11, 2011, through July 5, 2011, while employed as a Registered Nurse with Citizens Medical Center, Victoria, Texas, Respondent misappropriated Dilaudid, Xanax, Hydromorphone, Morphine Sulfate, and Oxycodone belonging to 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.
10. On or about December 9, 2012, while employed as a Registered Nurse with Jackson County Hospital District, Edna, Texas, Respondent submitted falsified/unauthorized prescriptions to Walgreen's Pharmacy, Victoria, Texas, for Ambien, Norco, and Soma, using the name and Drug Enforcement Administration (DEA) number of Dr. Francisco Ortiz. Respondent's conduct was likely to deceive the pharmacy, and possession of Ambien, Norco, and Soma through the use of a falsified/unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

11. On or about January 22, 2013, Respondent lacked fitness to practice nursing in that she completed an Initial Evaluation with Dr. Robert C. Lyman, General Psychiatry, Victoria, Texas, who concluded she had a diagnosis of Opioid Dependence, Mood Disorder Not Otherwise Specified, and placed her on a Suboxone prescription to help with her prescription medication addiction.
12. On or about March 26, 2013, Respondent was arrested by the Texas Department of Public Safety, Jackson County, Texas, for DRIVING WHILE INTOXICATED, a Class B Misdemeanor Offense. This case is still pending.
13. 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.
14. 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.
15. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder and mental illness.
16. 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 §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(5),(6)(A),(6)(G),(6)(H),(8),(10)(B),(10)(C),(10)(E) and (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 764643, heretofore issued to JAIME LYNNE TOBOLA, 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 that RESPONDENT 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 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.

(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 that, while RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

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

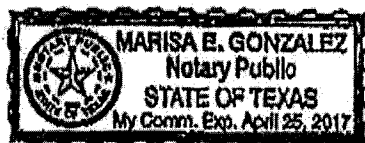
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. 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 23<sup>rd</sup> day of July, 2014.

Jaime Lynne Tobola  
JAIME LYNNE TOBOLA, RESPONDENT

Sworn to and subscribed before me this 23<sup>rd</sup> day of July, 2014.

SEAL



Marisa E. Gonzalez  
Notary Public in and for the State of Texas

Approved as to form and substance.

Darrin Dest  
Darrin Dest, Attorney for Respondent

Signed this 25 day of July, 2014

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 23rd day of July, 2014, by JAIME LYNNE TOBOLA, Registered Nurse License Number 764643, and said Order is final.

Entered and effective this 25th day of July, 2014.



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