

In the Matter of  
Permanent Registered Nurse  
License Number 563905 &  
Permanent Vocational Nurse  
License Number 102857  
Issued to HOLLI MARIE COHEN,  
Respondent

§  
§  
§  
§  
§  
§

BEFORE THE TEXAS

BOARD OF NURSING



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.  
*Stephanie P. Thomas*  
Executive Director of the Board

**ORDER OF TEMPORARY SUSPENSION**

TO: HOLLI MARIE COHEN  
1422 FAIRVIEW  
HOUSTON, TX 77006

A public meeting of the Texas Board of Nursing was held on January 5, 2015 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 563905, and Permanent Vocational Nurse License Number 102857, issued to HOLLI MARIE COHEN 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 HOLLI MARIE COHEN 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 November 21, 2014, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on March 20, 2014. Noncompliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses' (TPAPN) participation agreement in that she failed to submit specimens for five (5) drug tests. Stipulation Number Three (3) of the Agreed Order, dated March 20, 2014, states, in pertinent part:

"(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term . . ."

On or about November 21, 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)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

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 HOLLI MARIE COHEN constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 563905, and Permanent Vocational Nurse License Number 102857, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 563905, and Permanent Vocational Nurse License Number 102857, issued to HOLLI MARIE COHEN, 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 61<sup>st</sup> day following the date of the entry of this order.

Entered this 5th day of January, 2015.

TEXAS BOARD OF NURSING

BY:



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

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 563905 &	§	
Permanent Vocational Nurse	§	
License Number 102857	§	
Issued to HOLLI MARIE COHEN,	§	
Respondent	§	BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, HOLLI MARIE COHEN, is a Registered Nurse holding License Number 563905, which is in current status at the time of this pleading, and is a Vocational Nurse holding License Number 102857, 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 November 21, 2014, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on March 20, 2014. Noncompliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses' (TPAPN) participation agreement in that she failed to submit specimens for (5) drug tests. Stipulation Number Three (3) of the Agreed Order, dated March 20, 2014, states, in pertinent part:

"(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term. . ."

On or about November 21, 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)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(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](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, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

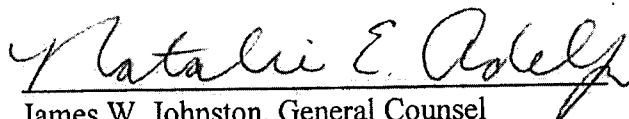
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

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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 March 20, 2014.

Filed this 5th day of January, 2015.

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

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Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

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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  
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Attachments: Order of the Board dated March 20, 2014.

D/2014.08.18



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.  
*Katherine A. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 563905	§	
& Vocational Nurse License Number 102857	§	
issued to HOLLI MARIE COHEN	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of HOLLI MARIE COHEN, Registered Nurse License Number 563905, and Vocational Nurse License Number 102857, 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)&(13) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 13, 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 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's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Nursing from Del Mar Tech Institute Vocational, Corpus Christi, Texas, on July 8, 1983. Respondent was licensed to practice vocational nursing in the State of Texas on November 30, 1983. Respondent received an Associate Degree in Nursing from Houston Community College, Houston, Texas, on May 1, 1990. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1990.

5. Respondent's nursing employment history includes:

11/83 - 05/03	Unknown	
06/03 - 06/06	RN Staff Nurse	Tomball Regional Hospital Tomball, Texas
06/06 - 09/11	RN Staff Nurse	The Methodist Hospital Houston, Texas
10/11 - 05/12	RN Staff Nurse	The Menninger Clinic Houston, Texas
06/12 - 09/12	Unknown	
10/12 - 01/13	RN Staff Nurse	Select Specialty Hospital Houston, Texas
02/13 - Unknown		

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with The Methodist Hospital, Houston, Texas, and had been in this position for four (4) years and ten (10) months.
7. On or about May 13, 2011, while employed with The Methodist Hospital, Houston, Texas, Respondent removed Fentanyl for Patient GRL from the Medication Dispensing System (Pyxis) but failed to accurately and/or completely document the administration of the Fentanyl in the patient's Medication Administration Records (MAR). Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on her documentation to further medicate the patient, which could result in an overdose. Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about May 14, 2011, through May 15, 2011, while employed with The Methodist Hospital, Houston, Texas, Respondent removed Fentanyl and Lorazepam for patients GRL and MLW from the Medication Dispensing System (Pyxis) but failed to follow policy and procedure in place for the proper wastage of the unused portions of the Fentanyl and Lorazepam. 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.
9. On or about May 15, 2011, while employed with The Methodist Hospital, Houston, Texas, Respondent removed Fentanyl 100mcg/2ml from the Medication Dispensing System (Pyxis) for patient GRL, in excess frequency and/or dosage of physicians' orders, and/or administered

Fentanyl 25mcg IV in excess frequency and/or dosage of physicians' orders. Respondent's conduct was likely to injure the patient in that the administration of Fentanyl in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

10. On or about December 14, 2012, while employed with Select Specialty Hospital, Houston, Texas, Respondent withdrew Morphine Sulfate and Dilaudid from the Medication Dispensing System (Pyxis) for patient KJ and RS, but failed to document, or accurately and completely document the administration of the Morphine Sulfate and Dilaudid in the patients' Medication Administration Record (MAR). 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. Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
11. On or about December 21, 2012, while employed with Select Specialty Hospital, Houston, Texas, Respondent engaged in the imtemperate use of opiates and morphine in that she produced a specimen for a for cause drug screen, which resulted positive for opiates and morphine. Unlawful possession of opiates and morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of opiates and morphine by a Registered 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.
12. On October 18, 2013, Respondent submitted to a chemical dependency evaluation with Dr. Joyce Gayles. Dr. Gayles concludes that while there are no clear indicators the Respondent is chemically impaired and poses a danger to patients, Respondent has a long-standing history of Substance Abuse and Dependence, including, alcohol, pain killers, and other drugs. Test results indicate the Respondent has a high probability of Substance Dependence Disorder. Respondent also self-identifies as Substance Dependent. Dr. Gayles notes the Respondent has been actively involved with 12-Step recovery since 1989, but has had apparent episodes of not being in a true state of abstinence or sobriety as defined by 12-Step recovery.
13. Respondent's last known date of sobriety is December 21, 2012, as indicated in Finding of Fact Number Eleven (11).
14. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent states that she may not have documented the administration and wastage of the medication properly. However, Respondent asserts that there were no negative patient outcomes associated with the alleged behavior and no financial loss to the facility as a result of the alleged failure to document wastage. Respondent states that she had a prescription of hydrocodone at the time of the positive test.



15. 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.
16. 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.
17. Formal Charges were filed on August 6, 2013.
18. Formal Charges were mailed to Respondent on August 6, 2013,
19. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
20. 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 § § 217.11(1)(A), (1)(B), (1)(C), (1)(D) and 217.12(1)(A), (1)(C), (4), (5), (10)(A), (10)(C), (10)(D) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9), (10) & (13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 563905, and Vocational Nurse License Number 102857, heretofore issued to HOLLI MARIE COHEN, 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 563905, and Vocational Nurse License Number 102857, previously issued to HOLLI MARIE COHEN, 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.

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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 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 11 day of March, 2014.

H-M Cohen  
HOLLY MARIE COHEN, Respondent

Sworn to and subscribed before me this 11 day of March, 2014.

SEAL



[Signature]  
Notary Public in and for the State of TEXAS

Approved as to form and substance.

[Signature]  
MARC MEYER, Attorney for Respondent

Signed this 20th day of March, 2014

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 11th day of March, 2014, by HOLLI MARIE COHEN, Registered Nurse License Number 563905, and Vocational Nurse License Number 102857, and said Order is final.

Effective this 20th day of March, 2014.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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