



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 Thomas
Executive Director of the Board

In the Matter of
Permanent Vocational Nurse
License Number 182069
Issued to CYNTHIA LEE LOPEZ,
Respondent

§ BEFORE THE TEXAS
§
§
§
§ BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: CYNTHIA LEE LOPEZ
PO BOX 32
EDNA, TX 77957

A public meeting of the Texas Board of Nursing was held on March 30, 2015 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 182069, issued to CYNTHIA LEE LOPEZ 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 CYNTHIA LEE LOPEZ 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:

CHARGE I.

On or about February 17, 2015, Respondent became noncompliant with the Agreed Order issued to Respondent by the Texas Board of Nursing on July 17, 2014. Noncompliance is the result of Respondent's failure to abstain from the use of controlled substances. Respondent produced a urine specimen for a random drug screen that resulted positive for Amphetamines. Stipulation Number Nine (9) of the Agreed Order, dated July 17, 2014, states, in pertinent part:

" (9) RESPONDENT SHALL abstain from...the use of controlled substances..."

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(10)(D)&(11)(B).

CHARGE II.

On or about March 11, 2015, Respondent became noncompliant with the Agreed Order issued to Respondent by the Texas Board of Nursing on July 17, 2014. Noncompliance is the result of Respondent's failure to abstain from the consumption of alcohol. Respondent produced a urine specimen for a random drug screen that resulted positive for Ethyl Glucuronide, which is a metabolite of Alcohol (ethanol). Stipulation Number Nine (9) of the Agreed Order, dated July 17, 2014, states, in pertinent part:

" (9) RESPONDENT SHALL abstain from the consumption of alcohol..."

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(10)(D)&(11)(B).

CHARGE III.

On or about March 13, 2015, Respondent became noncompliant with the Agreed Order issued to Respondent by the Texas Board of Nursing on July 17, 2014. Noncompliance is the result of Respondent's failure to abstain from the use of controlled substances. Respondent produced a urine specimen for a random drug screen that resulted positive for Cocaine metabolites. Stipulation Number Nine (9) of the Agreed Order, dated July 17, 2014, states, in pertinent part:

" (9) RESPONDENT SHALL abstain from...the use of controlled substances..."

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(10)(D)&(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 CYNTHIA LEE LOPEZ constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Vocational Nurse License Number 182069, is justified pursuant to Section 301.4551, TEXAS

OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 182069, issued to CYNTHIA LEE LOPEZ, 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 30th day of March, 2015.

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 182069 §
Issued to CYNTHIA LEE LOPEZ, §
Respondent § BOARD OF NURSING

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CYNTHIA LEE LOPEZ, is a Vocational Nurse holding License Number 182069, 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 April 14, 2014, while employed as a Staff Nurse with Spring Branch Healthcare Center, Houston, Texas, Respondent failed to assess Resident R.M. after the resident was found with injuries of an unknown source. Additionally, Respondent failed to obtain vital signs, perform neurological status checks, and monitor the resident appropriately through the remainder of the shift. After Respondent's shift, the resident was found unresponsive and sent to the hospital, where she was diagnosed with a fractured jaw, fractured skull and blood on the brain, and subsequently expired. Respondent's conduct was likely to injure the patient from clinical care decisions formulated based upon incomplete assessment information, and may have contributed to the resident's demise.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(M)&(2)(A) and 217.12(1)(B)&(4).

CHARGE II.

On or about February 17, 2015, Respondent became noncompliant with the Agreed Order issued to Respondent by the Texas Board of Nursing on July 17, 2014. Noncompliance is the result of Respondent's failure to abstain from the use of controlled substances. Respondent produced a urine specimen for a random drug screen that resulted positive for Amphetamines. Stipulation Number Nine (9) of the Agreed Order, dated July 17, 2014, states, in pertinent part:

“ (9) RESPONDENT SHALL abstain from...the use of controlled substances...”

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(10)(D)&(11)(B).

CHARGE III.

On or about March 11, 2015, Respondent became noncompliant with the Agreed Order issued to Respondent by the Texas Board of Nursing on July 17, 2014. Noncompliance is the result of Respondent's failure to abstain from the consumption of alcohol. Respondent produced a urine specimen for a random drug screen that resulted positive for Ethyl Glucuronide, which is a metabolite of Alcohol (ethanol). Stipulation Number Nine (9) of the Agreed Order, dated July 17, 2014, states, in pertinent part:

“(9) RESPONDENT SHALL abstain from the consumption of alcohol...”

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(10)(D)&(11)(B).

CHARGE IV.

On or about March 13, 2015, Respondent became noncompliant with the Agreed Order issued to Respondent by the Texas Board of Nursing on July 17, 2014. Noncompliance is the result of Respondent's failure to abstain from the use of controlled substances. Respondent produced a urine specimen for a random drug screen that resulted positive for Cocaine metabolites. Stipulation Number Nine (9) of the Agreed Order, dated July 17, 2014, states, in pertinent part:

“(9) RESPONDENT SHALL abstain from...the use of controlled substances...”

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(10)(D)&(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.

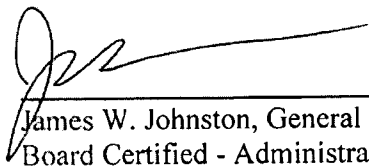
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.texas.gov.

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: Orders dated January 19, 2012, and July 17, 2014.

Filed this 30th day of March, 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

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

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
F: (512) 305-8101 or (512)305-7401

Attachments: Orders of the Board dated January 19, 2012, and July 17, 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

In the Matter of § AGREED
Vocational Nurse License Number 182069 §
issued to CYNTHIA LEE LOPEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bc considered the matter of CYNTHIA LEE LOPEZ, Vocational Nurse License Number 182069, 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)(1) & (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 May 10, 2014, subject to ratification by the Board.

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 Victoria College, Victoria, Texas, on August 10, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on October 11, 2001.
5. Respondent's vocational nursing employment history includes:

10/01 - 08/03	LVN	DeTar Hospital Victoria, Texas
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Respondent's vocational nursing employment history continued:

09/03 - 08/05	Unknown	
09/05 - 09/06	LVN	Girling Home Health Care Victoria, Texas
09/06 - 02/07	LVN	Arisco Home Healthcare, Inc. Victoria, Texas
02/07 - 10/07	LVN	Victoria Nursing & Rehabilitation Victoria, Texas
11/07 - 11/08	LVN	Hill Country Rehabilitation & Nursing Gonzales, Texas
01/09 - 12/09	LVN	Citizen's Medical Center Victoria, Texas
02/10 - 02/12	LVN	TLC Staffing Victoria, Texas
07/10 - 05/11	LVN	Hill Country Rehabilitation & Nursing Gonzales, Texas
08/11 - 05/12	LVN	Retama Manor South Victoria Victoria, Texas
06/12 - 08/12	LVN	Winterhaven Health Care Center Houston, Texas
09/12 - 04/13	Unknown	
05/13 - 10/13	LVN	Matagorda House Healthcare Center Bay City, Texas
11/13 - Present	Unknown	

6. On or about January 19, 2012, Respondent was issued the sanction of WARNING WITH STIPULATIONS AND A FINE through an Agreed Order by the Board. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 19, 2012, is attached and incorporated, by reference, as part of this Order.

7. On or about January 20, 2013, Respondent was noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on January 19, 2012. Noncompliance is the result of Respondent's failure to successfully complete a course in medication administration. Stipulation Number Two (2) of the Agreed Order dated January 19, 2012, reads:
- "RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration."
8. On or about January 20, 2013, Respondent was noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on January 19, 2012. Noncompliance is the result of Respondent's failure to successfully complete the course Sharpening Critical Thinking Skills. Stipulation Number Four (4) of the Agreed Order dated January 19, 2012, reads:
- "RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills,"
9. On or about September 30, 2013, while employed as a licensed vocational nurse with Matagorda House Healthcare Center, Bay City, Texas, Respondent removed discontinued Hydrocodone from the medication cart but failed to follow the facility's policy and procedure for the wastage of the medication. Respondent's conduct resulted in the medications being unaccounted for which 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.
10. Regarding the conduct outlined in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she had no source of income from August 2012 until May of 2013 so she was not able to take any of the required classes during that time. Regarding the conduct outlined in Finding of Fact Number Nine (9), Respondent states that she was trying to locate a missing narcotic sheet so she could turn in the discontinued medication, and there was no attempt to take any medications or anything from the facility.
11. On or about March 28, 2014, Respondent submitted to a chemical dependency evaluation by Joyce M. Gayles, Ph.D. Dr. Gayles states that the SASSI-3 indicates Respondent meets the criteria for having a low probability of Substance Dependence Disorder in the six (6) months prior to the allegation. Dr. Gayles adds that the PESQ-A shows no problem with drugs or alcohol in the past year. Dr. Gayles concludes that Respondent does not have a chemical dependency impairment that would interfere with her ability to provide nursing care with skill and safety to patients. Dr. Gayles further states that although Respondent is not impaired, she is clearly demonstrating noncompliance with the Board and Order and apparent difficulty with following medication policy and procedures in her places of employment.
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.

13. Respondent submitted verification of her successful completion of the Board approved courses, "Texas nursing jurisprudence and ethics," completed on October 5, 2013, and "Nursing Documentation" completed on April 14, 2014. Both courses would have been requirements under this Order.

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(10)(C) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) & (10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 182069, heretofore issued to CYNTHIA LEE LOPEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REPRIMAND WITH STIPULATIONS AND A FINE, and 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 nurse licensure compact 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 and ORDERED that the sanction and conditions of this Order SHALL supercede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the

instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION

PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work

only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) year(s) of employment as a nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL

CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances and their metabolites:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject the nurse to 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

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

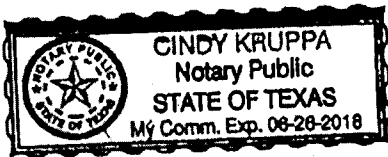
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 18 day of June, 2014.

Cynthia Lee Lopez
CYNTHIA LEE LOPEZ, RESPONDENT

Sworn to and subscribed before me this 18 day of June, 2014.


SEAL



Cindy Kruppa
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18th day of June, 2014, by CYNTHIA LEE LOPEZ, Vocational Nurse License Number 182069, and said Order is final.

Effective this 17th day of July, 2014.


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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse
License Number 182069
issued to CYNTHIA LEE LOPEZ

§ AGREED
§
§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the considered the matter of CYNTHIA LEE LOPEZ, Vocational Nurse License Number 182069, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 7, 2011, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

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 Victoria College, Victoria, Texas, on August 10, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on October 11, 2001.
5. Respondent's vocational nursing employment history includes:

10/01 - 08/03	LVN	DeTar Hospital Victoria, Texas
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Respondent's vocational nursing employment history continued:

09/03 - 08/05	Unknown	
09/05 - 09/06	LVN	Girling Home Health Care Victoria, Texas
09/06 - 02/07	LVN	Arisco Home Healthcare, Inc. Victoria, Texas
02/07 - 10/07	LVN	Victoria Nursing & Rehabilitation Victoria, Texas
11/07 - 11/08	LVN	Hill Country Rehabilitation & Nursing Gonzales, Texas
01/09 - 12/09	LVN	Citizen's Medical Center Victoria, Texas
02/10 - Present	LVN	TLC Staffing Victoria, Texas

6. At the time of the initial incident, Respondent was employed as a licensed vocational nurse with Citizen's Medical Center, Victoria, Texas, and had been in this position for approximately one (1) year.
7. On or about December 28, 2009, while employed with Citizen's Medical Center, Victoria, Texas, Respondent removed Dilaudid from the Pyxis medication dispensing system for Patient Medical Record Number V00500752783, and pre-charted and/or inaccurately documented the administration of the medication in the patient's medication administration record (MAR) and/or nurse's notes. Additionally, Respondent failed to follow the facility's policy and procedure for wastage of the unused portion of the medication. Respondent's conduct created an inaccurate medical record, 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. In response to Finding of Fact Number Seven (7), Respondent states that she may have mis-keyed some times administered and admits she did not finish her charting that night, but states that she was extremely busy with six patients who were high acuity and in a lot of pain. Respondent states she was asked to do a drug test but refused because she felt betrayed and offended. Respondent states that she was burnt out and just made a documentation error.

9. On or about December 29, 2009, while employed with Citizen's Medical Center, Victoria, Texas, Respondent falsely documented that she administered Hydrocodone to Patient Medical Record Number 675712, in that said patient stated that he did not receive any pain pills and that he had only received pain medication intravenously. Respondent's conduct created an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on her documentation on which to base their decisions for further medical care.

10. In response to Finding of Fact Number Nine (9), Respondent states:

"This patient was a motorcycle accident with multiple fractures, wounds and continuous needs. From the time I arrived the patient was moaning and restless; the patient did tell me that no one had tried or even cared to help him. I went to talk to both charge nurses on duty at that time who said to use his PRN medications as ordered. This patient was confused, agitated, and very unpleasant. I was continuously medicating with a manual IV push bolus to go with PCA, which the patient said did not work... I tried everything to make the patient comfortable, but between his frustration and behavior he was just not happy. I was told the next day by the nurse manager that he said I did not do anything; maybe I gave him something in his IV but nothing else, that I did not check on him or help him at all. I had spent most of the day with him, even through his insulting and degrading remarks."

11. On or about June 27, 2006, Respondent submitted her Texas Online Renewal Document to the Board of Nurse Examiners for the State of Texas and provided information which was false, deceptive and/or misleading in that she answered "No" to the question:

"Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, *including any pending criminal charges or unresolved arrests* (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".)"

On or about February 19, 2006, Respondent was arrested by the Houston Police Department for the Class A Misdemeanor offense of ASSAULT CAUSES BODILY INJURY FAMILY MEMBER.

On or about April 21, 2006, Respondent was approved for, and placed in, the Pre-trial Diversion Program of DeWitt County for a period of six (6) months, under Cause No. 2005-14052.

On or about November 6, 2006, a Motion to Dismiss was filed in the County Court of DeWitt County, Texas, under Cause No. 2005-14052.

12. In response to the incident in Finding of Fact Number Eleven (11), Respondent states:

"On the date of June 26, 2006, I was in a pre-trial diversion to get a case dismissed. I had called the Nursing Board on that date and I am not sure anymore who I had spoken to, to ask about the question if I needed to answer yes or no. The person I spoke to said if I was currently in process of pre-trial diversion then no I did not need to answer yes. I asked if I would need to for the next renewal. She said if charges and case was dismissed then no, I would not need to at that time either."

13. On or about December 12, 2010, Respondent was arrested by the Texas Department of Public Safety, San Marcos, Texas, for the Class B Misdemeanor offense of DRIVING WHILE INTOXICATED - 1ST.

On or about June 30, 2011, a Motion to Dismiss was filed in the County Court at Law of Caldwell County, Texas, under Cause No. 40685.

14. On or about October 5, 2011, Respondent underwent a Chemical Dependency Evaluation with Joyce M. Gayles, PhD, wherein Dr. Gayles advised the following:

"...There are no indications of emotional problems and no indication of a propensity toward acting out or criminal behavior at this time. .

Results from the SASSI-3 indicate that [Respondent] has a low probability of Substance Dependence Disorder. There is no indication of substance abuse on the face valid items.

~~The results of this evaluation suggest that [Respondent] does not have an impairment that would prevent her from practicing nursing with reasonable skill and safety to patients. However, to ensure that she has adequate skills and knowledge, [Respondent] should receive additional training about policies and procedures related to the administration and management of medications."~~

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 of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(C)&(D) and 217.12(1)(A), (1)(B),(4),(6)(A),(6)(H),(6)(I),(10)(B),(10)(C)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 182069, heretofore issued to CYNTHIA LEE LOPEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS AND A FINE, and 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 nurse licensure compact 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:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board

approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/slips/courses.html>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration

only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form,

provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1)

YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to

provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year(s) of employment as a nurse.

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 shall 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 29 day of November, 2011.

Cynthia Lee Lopez
CYNTHIA LEE LOPEZ, Respondent

Sworn to and subscribed before me this 29 day of November, 2011.

SEAL

Oscar R. Flores

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of November, 2011, by CYNTHIA LEE LOPEZ, Vocational Nurse License Number 182069, and said Order is final.

Effective this 19th day of January, 2012.



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