



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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 519054	§	
issued to JO ANN MARIE FREEMAN	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JO ANN MARIE FREEMAN, Registered Nurse License Number 519054, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 30, 2015.

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 notice and hearing and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Diploma in Nursing from Bryan Memorial Hospital School of Nursing, Lincoln, Nebraska, on June 1, 1984. Respondent was licensed to practice professional nursing in the State of Texas on September 17, 1984.
5. Respondent's professional nursing employment history includes:

09/1984 - 01/1985

RN

Medical Center Hospital
Odessa, Texas

Respondent's professional nursing employment history continued:

01/1985 - 05/1985	RN	Madonna Professional Care Center Lincoln, Nebraska
05/1985 - 02/1987	RN	Medical Center Hospital Odessa, Texas
02/1987 - 07/1988	Unknown	
07/1988 - 12/1988	RN	Physicians & Surgeons Hospital Midland, Texas
01/1989 - 12/1992	RN	Medical Center Hospital Odessa, Texas
12/1992 - 02/1993	RN	University of Nebraska Medical Center Omaha, Nebraska
03/1993 - 09/1995	RN	Medical Center Hospital Odessa, Texas
01/1995 - 07/1998	RN	Outreach Health Services Unknown
07/1998 - 09/2001	RN	Westwood Medical Center Midland, Texas
09/2001 - 03/2002	RN	Odessa Regional Hospital Odessa, Texas
04/2002 - Present	RN	Medical Center Hospital Odessa, Texas

6. At the time of the incidents in Findings of Fact Numbers Seven (7), and Eight (8), Respondent was employed as a Registered Nurse with Medical Center Hospital, Odessa, Texas, and had been in that position for approximately thirteen (13) years and one (1) month.
7. On or about May 11, 2015, while employed as a Registered Nurse with Medical Center Hospital, Odessa, Texas, Respondent lacked fitness to practice nursing in that she exhibited

signs of impairment such as slurred speech and having slow responses. Respondent's condition could have affected her ability to recognize subtle signs, symptoms, or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

8. On or about May 11, 2015, while employed as a Registered Nurse with Medical Center Hospital, Odessa, Texas, Respondent engaged in the intemperate use of Alprazolam in that she produced a specimen for a urine drug screen that resulted positive for Alprazolam. The use of Alprazolam by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
9. In response to Findings of Fact Numbers Seven (7), and Eight (8), Respondent explains that due to personal life issues with a recent divorce she switched to night shift and it was a difficult adjustment. Respondent admits that she had some slurred speech and slow responses around this time, and was subsequently diagnosed by her doctor with either a TIA, stroke, or seizure disorder. She states that her doctor put her on Alprazolam for stress/anxiety, Plavix, Keppra, and Depakote. Respondent states that around May 2015, she again had slurred speech, slow and inappropriate responses, and admits that she tested positive for Alprazolam, but that it was cleared with her prescription. Following this incident, Respondent states that she left work for several weeks to get her life back together. Respondent states that she did not harm a patient, although she feels shame for allowing herself to get in such a depreciated state.
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
11. Respondent'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.
12. 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/or mental illness.
13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5), (10)(A)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 519054, heretofore issued to JO ANN MARIE FREEMAN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. 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.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 519054, previously issued to JO ANN MARIE FREEMAN, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

- A. **Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN)**, including payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00); and
- B. Waives confidentiality and **provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above

course(s) within one (1) year of the suspension being stayed:

A Board-approved course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

V. EFFECT OF NONCOMPLIANCE

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 TEMPORARY 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.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

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.

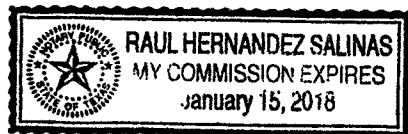
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said 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 25 day of September, 2015.

Joann Marie Freeman
JO ANN MARIE FREEMAN, Respondent

Sworn to and subscribed before me this 25th day of September, 2015.

SEAL



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

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 25th day of September, 2015, by JO ANN MARIE FREEMAN, Registered Nurse License Number 519054, and said Order is final.

Effective this 30th day of September, 2015.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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