



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.
William P. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate
Number 2-19818 issued to
ELDONNA J. BROWN WHITELEY

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ORDER OF THE BOARD

TO: Eldonna J. Brown Whiteley
1303-B Park Place #1004
Hurst, Texas 76053

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting, having set a hearing to be held on November 19, 1986, to determine whether cause exists under Article 4525 (a) (8) and (9), Revised Civil Statutes of Texas, as amended, to suspend or revoke license number 2-19818, heretofore issued to ELDONNA J. BROWN WHITELEY, pursuant to Texas law, which hearing was held on November 19, 1986, pursuant to applicable Texas law.

At the hearing, Mrs. Mary Elizabeth Jackson, President of the Board, presided and the following members were present:

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| Mrs. Pauline Barnes, R.N. | Dr. Ruby Morris |
| Mrs. Karen G. Cure, R.N. | Dr. Jean Pryor, R.N. |
| Mrs. Mary Virginia Jacobs, R.N. | Mrs. A. Joanna Seamans, R.N. |

The Board of Nurse Examiners for the State of Texas was represented by Philip Maxwell, counsel to the Board. Respondent was present but was not represented by counsel, although having been notified of her rights regarding same. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. That Sworn Complaint was filed with the Board of Nurse Examiners for the State of Texas in accordance with law.

2. That Notice of Hearing and Complaint were served upon ELDONNA J. BROWN WHITELEY in accordance with law.
3. ELDONNA J. BROWN WHITELEY, hereinafter referred to as "Respondent", is currently licensed to practice professional nursing in the State of Texas.
4. Respondent, while employed with Fort Worth Osteopathic Medical Center, Fort Worth, Texas, appropriated demerol, without authorization, belonging to the aforementioned facility and/or to the patients thereof, during the month of September, 1986.

The above action is in violation of §217.13 (5), Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, which prohibits:

"Appropriating, in connection with the practice of nursing, medications, supplies, equipment, or personal items of the patient/client, employer, or any other person or entity".

5. Respondent, while employed with the aforementioned facility on or about September 21, 1986, engaged in the intemperate use of drugs.

The above action constitutes the intemperate use of drugs and is in violation of Article 4525 (a) (8), Revised Civil Statutes of Texas, as amended.

The aforementioned action and conduct constitutes unprofessional or dishonorable conduct which, in the opinion of the Board, is likely to deceive, defraud or injure patients or the public, in violation of Article 4525 (a) (8) and (9), Revised Civil Statutes of Texas, as amended.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended, the Board of Nurse Examiners for the State of Texas has jurisdiction over this matter.
2. That the evidence received was conclusive to prove unprofessional or dishonorable conduct which, in the opinion of the Board, is likely to deceive, defraud, or injure patients and the public.
3. That the activities of the nurse in question constituted sufficient cause pursuant to Article 4525 (a) (8) and (9), Revised Civil Statutes of Texas, as amended, to suspend license number 2-19818, heretofore issued to ELDONNA J. BROWN WHITELEY, to practice professional nursing in Texas.

ORDER

NOW, THEREFORE, IT IS ORDERED that license number 2-19818, heretofore issued to ELDONNA J. BROWN WHITELEY to practice professional nursing in the State of Texas be and the same is hereby suspended for a period of two (2) years and said license upon receipt of this Order be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas until such time as she secures employment as a professional nurse.

IT IS FURTHER ORDERED that the suspension of the license of ELDONNA J. BROWN WHITELEY be probated upon her return to the practice of professional nursing. That upon her return to the practice of professional nursing, she be placed on probation for a minimum period of three (3) years with the following stipulations:

(1) Respondent must return her current certificate of re-registration (wallet-size) to the office of the Board of Nurse Examiners for the State of Texas immediately for appropriate notation.

(2) Respondent shall notify each employer/potential employer in professional nursing of this Order of the Board and the stipulations on his/her license by presenting a copy of this order to each potential employer. When employment is obtained, the employer must submit the notification of employment form to the Board office.

(3) That when she finds employment as a professional nurse and submits to the Board of Nurse Examiners proof of such employment, the license of ELDONNA J. BROWN WHITELEY will be reissued.

(4) That during her employment as a professional nurse, each employer of ELDONNA J. BROWN WHITELEY submit on forms provided by the Board of Nurse Examiners, periodic reports as to her capability to practice professional

nursing, such reports are due at the office of the Board of Nurse Examiners at the end of each three months of employment for a minimum period of three (3) years from the date of employment. If the place of employment changes, the Board of Nurse Examiners is to be notified immediately.

(5) The terms of this Order can be served only while Respondent is employed in the capacity of a registered nurse in a hospital, nursing home, or like employment, where the nurse is supervised. The nurse may not be employed by a nurse registry, temporary nurse employment agency or home health agency.

(6) Respondent shall completely abstain from the consumption or injection of controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose. Respondent shall have sent to the Board of Nurse Examiners, in writing and within ten (10) days, by the prescribing physician or dentist, a report identifying the medication and dosage. Respondent shall submit to random periodic screens for controlled substances at least once every month, for a minimum period of three (3) months. If all of the aforementioned screens test negative for controlled substances, then the screens shall be required at least once every three (3) months for the duration of the probation period. All screens shall be properly monitored and administered by Respondent's employer or counselor and personally observed by this individual or a trusted member of his/her staff. Respondent shall have written reports from the employer or counselor sent to the Board of Nurse Examiners concerning the results of the random periodic screens. If any sample tests positive for narcotic, controlled substance or habit forming substance which Respondent has used without a prescription from a physician or dentist, they shall report the findings to the Board of Nurse Examiners immediately. Expenses encumbered by the screens shall be borne by Respondent.

(7) The Board of Nurse Examiners shall review reports regarding the practice of professional nursing by Respondent at the end of the probation period. It is understood that after the review, the Board may restore all rights and privileges incident to the license of Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

(8) Respondent shall participate in therapy and written reports as to her progress in therapy, rehabilitation and capability to practice professional nursing shall be submitted to the Board of Nurse Examiners, on forms provided by the Board, from her professional counselor, such reports are to be furnished each and every month for a minimum period of three (3) months. If all of the aforementioned reports are acceptable, then the reports shall be required at the end of each three (3) months for the duration of the probation period, or until dismissed from therapy.

(9) Respondent shall provide evidence of her weekly attendance at meetings of a local support group for substance abuse. Such evidence shall be submitted to the office of the Board of Nurse Examiners at the end of each three (3) months for a minimum period of three (3) years.

(10) That, ELDONNA J. BROWN WHITELEY shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

IT IS FURTHER ORDERED that any failure by ELDONNA J. BROWN WHITELEY to comply in all respects with any provision of the Revised Civil Statutes of Texas, as amended, with any provision of the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, or any provision of the terms of probation or suspension of license number 2-19818, shall constitute cause for rescission of the probation ordered herein.

IT IS FURTHER ORDERED that, should the probation of the suspension of license number 2-19818, issued to ELDONNA J. BROWN WHITELEY to practice professional nursing in the State of Texas be rescinded, the nurse shall not be eligible for reissuance of a license to practice professional nursing in the State of Texas for two (2) years from the date of the Order of rescission of the probation.

IT IS FURTHER ORDERED AND THE BOARD SO FINDS, in accordance with Article 6252-13a, 16(c), Revised Civil Statutes of Texas, as amended, that an imminent peril to the public health, safety, or welfare required immediate effect of this Order and the same shall be effective on the date herein below rendered and the same may not be stayed except on proper application to a District Court in accordance with Article 4525c, Revised Civil Statutes of Texas, as amended.

Entered this 19th day of November, 1986.

Certificate to Order of Board
In the Matter of Permanent
Certificate No. 2-19818
Issued to ELDONNA J. BROWN WHITELEY

The aforementioned Findings of Fact, Conclusions of Law and Order of the Board represent a final decision or Order duly made by the Board of Nurse Examiners in and for the State of Texas this the 19th day of November, 1986.

Mary Elizabeth Jackson, R.N. Pauline Barnes, R.N.
President

Mary Virginia Jacobs, R.N. A. James Semmons, R.N.

Jean Pryor, R.N. Frank L. Cox, R.N.

Ruby Morris Ed.D.