



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.
Michelle P. Thomas
Executive Director of the Board

**In the Matter of
Permanent Registered Nurse
License Number 698407
Issued to DIANA LUZ SALAS,
Respondent**

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

ORDER OF TEMPORARY SUSPENSION

TO: Diana Luz Salas
3108 York St.
Wichita Falls, Texas 76309

A public meeting of the Texas Board of Nursing was held on September 19, 2016 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 698407, issued to DIANA LUZ SALAS 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 DIANA LUZ SALAS 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 charge is substantiated:

CHARGE I.

On or about June 29, 2016, Respondent became noncompliant with the Enforced Suspension Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on May 5, 2016. 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 abstain from the consumption of alcohol and/or controlled substances. Respondent reported using Ambien, a controlled substance not prescribed to her. Section I, Stipulation D of the Enforced Suspension Agreed Order for Peer Assistance Program dated May 5, 2016, states:

“(D) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term...”

On or about June 29, 2016, 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 DIANA LUZ SALAS constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 698407, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 698407, issued to DIANA LUZ SALAS, 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.

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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 19th day of September, 2016.

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 698407 §
Issued to DIANA LUZ SALAS, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DIANA LUZ SALAS, is a Registered Nurse holding License Number 698407, 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 June 29, 2016, Respondent became noncompliant with the Enforced Suspension Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on May 5, 2016. 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 abstain from the consumption of alcohol and/or controlled substances. Respondent reported using Ambien, a controlled substance not prescribed to her. Section I, Stipulation D of the Enforced Suspension Agreed Order for Peer Assistance Program dated May 5, 2016, states:

“(D) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term...”

On or about June 29, 2016, 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.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

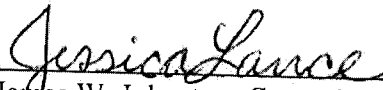
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

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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 May 5, 2016 .

Filed this 19th day of September, 2016.

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

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

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

Jessica Lance, Assistant General Counsel
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John F. Legris, Assistant General Counsel
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John Vanderford, Assistant General Counsel
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333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated May 5, 2016.

D(2015.11.18)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
 Registered Nurse License Number 698407 §
 issued to DIANA LUZ SALAS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DIANA LUZ SALAS, Registered Nurse License Number 698407, 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)(2),(3),(9),(10)&(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 March 28, 2016.

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 an Associate Degree in Nursing from Del Mar College, Corpus Christi, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 15, 2003.
5. Respondent's nursing employment history includes:

01/03 - 07/06	RN	Christus Spohn Health System Corpus Christi, Texas
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Respondent's nursing employment history continued:

07/07 - 09/09	RN	Doctors Regional Corpus Christi, Texas
07/07 - 09/09	RN	Christus Spohn Health System Corpus Christi, Texas
09/09 - 06/12	RN	Doctor Regionals Corpus Christi, Texas
05/10 - 06/12	RN	Epic Health Services Corpus Christi, Texas
06/10 - 08/12	RN	Advanced Temporaries Corpus Christi, Texas
07/12 - 08/12	RN	Sunnybrook Health Care Corpus Christi, Texas
08/12 - 02/13	RN	Parallon Miami, Florida
02/13 - 05/14	RN	Methodist Stone Oak Hospital San Antonio, Texas
06/14 - Present	Unknown	

6. On or about September 28, 2011, while holding a license as a Registered Nurse in the State of Texas, Respondent submitted an online renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?

- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"

Respondent failed to disclose that on or about July 9, 2010, she was arrested by the San Antonio Police Department, San Antonio, Texas, and subsequently charged under Cause No. 333560 for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense. This matter was pending at the time of the renewal.

- 7. On or about October 4, 2012, Respondent entered a plea of Nolo Contendere to, and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on July 9, 2010, in the Bexar County Court at Law No. 4, San Antonio, Texas, under Cause No. 333560. As a result of the conviction, Respondent was sentenced to confinement in the Bexar County Jail for a period of three (3) days and ordered to pay a fine and court costs.
- 8. On or about September 4, 2013, while holding a license as a Registered Nurse in the State of Texas, Respondent submitted an online renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"

Respondent failed to disclose that on or about October 4, 2012, she entered a plea of Nolo Contendere to and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on July 9, 2010, in the Bexar County Court at Law No. 4, San Antonio, Texas, under Cause No. 333560. As a result of the conviction, Respondent was sentenced to confinement in the Bexar County Jail for a period of three (3) days and ordered

to pay a fine and court costs.

9. On or about April 3, 2014, through April 14, 2014, while employed as a Staff Nurse in the Intensive Care Unit (ICU) of Methodist Stone Oak Hospital, San Antonio, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System (Pyxis) for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. 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.
10. On or about April 3, 2014, through April 14, 2014, while employed as a Staff Nurse in the Intensive Care Unit (ICU) at Methodist Stone Oak Hospital, San Antonio, Texas, Respondent misappropriated Dilaudid belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
11. On or about May 9, 2014, while employed as a Staff Nurse with Methodist Stone Oak Hospital, San Antonio, Texas, and assigned to the Intensive Care Unit (ICU), Respondent engaged in the intemperate use of Hydrocodone and Hydromorphone in that she produced a specimen for a random drug screen that resulted positive for Hydrocodone and Hydromorphone. Possession of Hydrocodone and Hydromorphone is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Hydrocodone, and/or Hydromorphone, by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a 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 a patient in potential danger.
12. On or about July 28, 2015, Respondent entered a plea of Nolo Contendere to POSS MARIJ < 2OZ, a Class B misdemeanor offense committed on April 3, 2015, in the Bexar County Court at Law No. 5, San Antonio, Texas, under Cause No. 487405. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on probation for a period of six (6) months and ordered to pay a fine and court costs.
13. 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.
14. Formal Charges were filed on October 7, 2015.
15. Formal Charges were mailed to Respondent on October 8, 2015.

16. 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.
17. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
18. 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 substance use disorder.
19. 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) and 22 TEX. ADMIN. CODE § 217.12(1)(A),(1)(B),(1)(E),(4),(5),(6)(G),(6)(I),(8),(10)(A),(10)(C),(10)(D)(10)(E),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(3),(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 698407, heretofore issued to DIANA LUZ SALAS, 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 698407, previously issued to DIANA LUZ SALAS, 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 requirements, the Suspension will be **STAYED**, and **RESPONDENT** will be placed on **PROBATION** for such a time as is required for **RESPONDENT** to successfully complete the **TPAPN AND** until Respondent fulfills the additional requirements of this Order.

- C. **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.
- D. **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.
- E. **RESPONDENT SHALL CAUSE** the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order **SHALL** apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order **SHALL** be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education 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. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within two-hundred seventy (270) 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.

V. 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.

VI. 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.

VII. 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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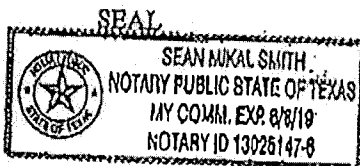
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 20 day of April, 2016.

Diana Luz Salas
DIANA LUZ SALAS, Respondent

Sworn to and subscribed before me this 20 day of April, 2016.



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

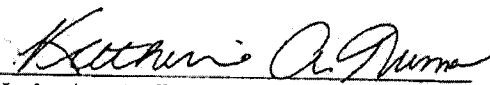
Approved as to form and substance.

[Signature]
Andre D'Souza, Attorney for Respondent

Signed this 4 day of MAY, 2016.

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 26th day of April, 2016, by DIANA LUZ SALAS, Registered Nurse License Number 698407, and said Order is final.

Effective this 5th day of May, 2016.


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