



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 A. Johnson*  
Executive Director of the Board

IN THE MATTER OF PERMANENT  
VOCATIONAL NURSE  
LICENSE NUMBER 168639  
ISSUED TO  
GLADYS ARMENDARIZ,  
RESPONDENT

§ BEFORE THE TEXAS  
§ BOARD OF NURSING  
§ ELIGIBILITY AND  
§ DISCIPLINARY COMMITTEE

**ORDER OF THE BOARD**

TO: Gladys Armendariz  
3407 Arizona St.  
Monahans, TX 79756

During open meeting held in Austin, Texas, on **March 21, 2017**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 168639, previously issued to GLADYS ARMENDARIZ, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 21st day of March, 2017.

TEXAS BOARD OF NURSING



BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed January 23, 2017.

d17r(lvn)(2016.05.11)

Re: Permanent Vocational Nurse License Number 168639  
Issued to GLADYS ARMENDARIZ  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2017, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Gladys Armendariz  
3407 Arizona St.  
Monahans, TX 79756

Via USPS First Class Mail

Gladys Armendariz  
25482 Stillwell Pkwy.  
Bonita Springs, FL 34135



BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

<b>In the Matter of</b>	§	<b>BEFORE THE TEXAS</b>
<b>Permanent Vocational Nurse</b>	§	
<b>License Number 168639</b>	§	
<b>Issued to GLADYS ARMENDARIZ,</b>	§	
<b>Respondent</b>	§	<b>BOARD OF NURSING</b>

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GLADYS ARMENDARIZ, is a Vocational Nurse holding License Number 168639, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

**CHARGE I.**

On or about June 23, 2016, Respondent was issued an Order of Emergency Restriction of License by the State of Florida Department of Health. The Respondent's license was restricted to prohibit her from practicing nursing in the State of Florida until such time as the Intervention Project for Nurses (IPN) or an IPN-approved evaluator notifies the State of Florida Department of Health that she is safe to resume the practice of nursing. A copy of the Findings of Fact and Conclusions of Law dated June 23, 2016, are attached and incorporated, by reference, as part of these Formal Charges.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

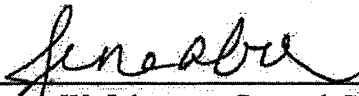
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, 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](http://www.bon.texas.gov).

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: State of Florida Department of Health Order dated June 23, 2016.

Filed this 23<sup>rd</sup> day of January, 2017.

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  
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State Bar No. 00785533  
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333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
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Attachments: Order of the State of Florida Department of Health dated June 23, 2016

D(2016.10.03)

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

Final Order No. DOH-16-1296-EPD -MOA

FILED DATE > JUN. 23 2016

Department of Health

By: Angel Sarden  
Deputy Agency Clerk

In Re: The Emergency Restriction of the License of  
Gladys N. Armendariz, L.P.N.  
License Number PN 1356381  
Case Number 2016-08544

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Celeste Phillip, M.D., M.P.H., State Surgeon General, ORDERS the emergency restriction of the license of Gladys N. Armendariz, L.P.N., (Ms. Armendariz) to practice nursing in the State of Florida. Ms. Armendariz holds license number PN 1356381. Her address of record is 25482 Stillwell Parkway, Bonita Springs, Florida 34135. The following Findings of Fact and Conclusions of Law support the emergency restriction of Ms. Armendariz's license to practice nursing in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating the practice of nursing pursuant to Chapters 20, 456, and 464, Florida Statutes (2015). Section 456.073(8), Florida Statutes (2015), authorizes the Department to summarily restrict Ms. Armendariz's license to practice nursing.

2. At all times material to this Order, Ms. Armendariz was licensed to practice as a practical nurse in the State of Florida pursuant to Chapter 464,

Florida Statutes.

3. On or about February 3, 2016, Lee County Sheriff's Deputies responded to a complaint at Lee Memorial Health Systems (LMHS) in Fort Myers, Florida.

4. An Internal Investigator at LMHS reported that Ms. Armendariz was being investigated for possible diversion of controlled substances.

5. The Investigator met with Ms. Armendariz to discuss the investigation and asked her if she had anything in her pockets. Ms. Armendariz produced four vials of hydromorphone, one 30 milligram hydromorphone tablet, and three .5 milligram tablets of alprazolam.

6. Hydromorphone is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes (2015), hydromorphone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of hydromorphone may lead to severe psychological or physical dependence.

7. Alprazolam is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes (2015), alprazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in

Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of alprazolam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

8. Ms. Armendariz admitted she intended to take these medications home for personal use.

9. The Investigator then searched Ms. Armendariz's assigned LMHS locker and found two vials of Lorazepam, eighteen vials of ondansetron<sup>1</sup>, fifteen vials of promethazine<sup>2</sup>, two vials of lidocaine<sup>3</sup>, and three syringe needles.

10. Lorazepam is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes (2015), lorazepam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of lorazepam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

11. Deputies interviewed Ms. Armendariz and she affirmed that she had taken the medication for personal use. She further admitted she had a drug

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<sup>1</sup> Ondansetron blocks the actions of chemicals in the body that can trigger nausea and vomiting.

<sup>2</sup> Promethazine is in a group of drugs called phenothiazines. It works by changing the actions of chemicals in the brain. Promethazine also acts as an antihistamine. Promethazine is used to treat allergy symptoms such as itching, runny nose, sneezing, itchy or watery eyes, hives, and itchy skin rashes. It also prevents motion sickness and treats nausea and vomiting or pain after surgery. It is also used as a sedative or sleep aid.

<sup>3</sup> Lidocaine is an anesthetic. It works by preventing nerves from transmitting painful impulses to the brain.



problem and had been stealing medication from the hospital for the last three months.

12. Ms. Armendariz was charged with one count of Grand Theft in Lee County case number 2016CF014546. The case is currently pending resolution.

13. At the conclusion of their investigation LMHS referred Ms. Armendariz to the Intervention Project for Nurses (IPN).

14. IPN is the impaired practitioner program for the Board of Nursing, pursuant to Section 456.076, Florida Statutes (2015). IPN monitors the evaluation, care, and treatment of impaired nurses. IPN oversees random drug screens and provides for the exchange of information between treatment providers, evaluators, and the Department for the protection of the public.

15. On or about March 4, 2016, Lawrence Wilson, M.D., a physician specializing in addiction medicine, conducted an IPN-facilitated evaluation of Ms. Armendariz.

16. Ms. Armendariz told Dr. Wilson that she began using hydromorphone in the hospital by substituting water into hydromorphone vials prior to wasting the medication. Ms. Armendariz gradually increased her usage until she was injecting hydromorphone two-to-three times per shift.

17. Ms. Armendariz also admitted to diverting lorazepam, alprazolam,

and oxycodone, but claimed her use of those substances was isolated.

18. Oxycodone is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes (2015), oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of oxycodone may lead to severe psychological or physical dependence.

19. Ms. Armendariz was unable to provide a reason for abusing controlled substances.

20. Ms. Armendariz denied experiencing any mood altering effects from her hydromorphone use.

21. Ms. Armendariz told Dr. Wilson that she began drinking alcohol at the age of twenty-three. She stated her current use was two-to-three drinks per week with much heavier use during a difficult divorce several years earlier. Ms. Armendariz admitted she has made numerous unsuccessful attempts to discontinue her alcohol use.

22. Ms. Armendariz admitted to having a substance abuse problem but was unwilling to describe herself as an addict or alcoholic.

23. Dr. Wilson opined that Ms. Armendariz is currently in denial as to the causes and extent of her opiate abuse and has yet to realize the

seriousness of her disorder.

24. Dr. Wilson diagnosed Ms. Armendariz with moderate Opiate Use Disorder and mild Alcohol Use Disorder.

25. Dr. Wilson opined Ms. Armendariz is not able to practice nursing with reasonable skill and safety to patients.

26. Dr. Wilson recommended inpatient substance abuse treatment followed by an IPN-monitoring contract.

27. On or about March 22, 2016, IPN advised Ms. Armendariz of Dr. Wilson's recommendations and told her how to enroll with a treatment provider.

28. Ms. Armendariz informed IPN that she would not participate in the recommended treatment.

29. On or about May 5, 2016, IPN closed Ms. Armendariz's file.

30. As of the date of this Order, Ms. Armendariz has not complied with Dr. Wilson's or IPN's recommendations.

31. In the course of their practice, practical nurses must possess good judgment, be able to recognize abnormal signs or symptoms of patients, and provide emergency care when needed. Ms. Armendariz's diagnoses of Alcohol Use Disorder and Opiate Use Disorder, theft of controlled substances from her employer, and use of controlled substances while practicing, compromise her

ability to effectively monitor, treat, or care for her patients. Based on this, Ms. Armendariz's continued unrestricted practice as a practical nurse presents an immediate serious danger to the health, welfare, and safety of the public. Because Ms. Armendariz has not complied with the recommendations of the evaluator and IPN, the danger to the public is likely to continue.

32. An independent medical expert has determined that Ms. Armendariz is unable to practice nursing with reasonable skill and safety to patients due to Alcohol Use Disorder and Opiate Use Disorder. Based on that opinion, as well as Ms. Armendariz's recent use of controlled substances despite the significant professional ramifications of that usage, her theft of controlled substances from her employer, and her failure to undergo an inpatient treatment, there are no less-restrictive means than the terms outlined in this Order that will adequately protect the public.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes (2015), and Chapter 464, Florida Statutes (2015).

2. Section 464.018(1)(j), Florida Statutes (2015), subjects a licensee to discipline, including restriction, for "[b]eing unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition."

3. Ms. Armendariz violated Section 464.018(1)(j), Florida Statutes (2015), by being unable to practice nursing with reasonable skill and safety due one or more of the following:

- a. moderate Opiate Use Disorder; and
- b. mild Alcohol Use Disorder;

4. Section 464.018(1)(h), Florida Statutes (2015), subjects a licensee to discipline, including restriction, for committing "unprofessional conduct, as defined by board rule." Rule 64B9-8.005(2), Florida Administrative Code, defines unprofessional conduct as including "[m]isappropriating drugs, supplies, or equipment."

5. Ms. Armendariz violated Section 464.018(1)(h), Florida Statutes (2015), by stealing controlled substances from her employer for personal use.

6. Section 464.018(1)(i), Florida Statutes (2015), subjects a licensee to discipline, including restriction, for "[e]ngaging or attempting to engage in

the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes authorized by this part."

7. Ms. Armendariz violated Section 464.018(1)(h), Florida Statutes (2015), by possessing controlled substances set forth in chapter 893 including hydromorphone, alprazolam, lorazepam, and oxycodone.

8. Section 456.072(1)(m), Florida Statutes (2015), subjects a licensee to discipline, including restriction, for "[m]aking deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession."

9. Ms. Armendariz violated Section 456.072(1)(m), Florida Statutes (2015), by using her position to steal controlled substances from her employer for personal use.

10. Section 120.60(6), Florida Statutes (2015), authorizes the Department to restrict a practical nurse's license if the Department finds that the practical nurse presents an immediate, serious danger to the public health, safety, or welfare.

11. Ms. Armendariz's continued unrestricted practice nursing constitutes an immediate serious danger to the health, safety, and welfare of the public,

In Re: The Emergency Restriction of the License Of  
Gladys N. Armendariz, L.P.N.  
License Number PN 1356381  
Case Number 2016-08544

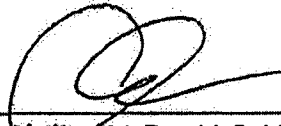
and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes (2015), it is **ORDERED THAT:**

1. The license of Gladys N. Armendariz, L.P.N., license number PN 1356381, is hereby immediately restricted to prohibit her from practicing nursing until such time as IPN or an IPN-approved evaluator notifies the Department that Ms. Armendariz is safe to resume practicing nursing.

2. A proceeding seeking formal discipline of the license of Gladys N. Armendariz to practice nursing will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2015).

DONE and ORDERED this 23<sup>rd</sup> day of June, 2016.

  
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Celeste Phillip, M.D., M.P.H.  
State Surgeon General and  
Secretary

In Re: The Emergency Restriction of the License Of  
Gladys N. Armendariz, L.P.N.  
License Number PN 1356381  
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**PREPARED BY:**

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**Florida Bar No. 84798**

**Assistant General Counsel**

**Prosecution Services Unit**

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In Re: The Emergency Restriction of the License Of  
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License Number PN 1356381  
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**NOTICE OF RIGHT TO JUDICIAL REVIEW**

Pursuant to Sections 120.60(6), and 120.68, Florida Statutes, this Order is judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the District Court of Appeal, accompanied by a filing fee prescribed by law, and a copy of the Petition with the Agency Clerk of the Department within 30 days of the date this Order is filed.